

# Journal of The Senate

of the

Extra Session

of the

# Thirty-Second General Assembly

of the

State of Iowa

**WHICH CONVENED AT THE CAPITOL AT DES MOINES,  
AUGUST 31, 1908, ADJOURNED TEMPORARILY  
SEPTEMBER 10, 1908, RECONVENED  
NOVEMBER 24, 1908 AND AD-  
JOURNED SINE DIE NO-  
VEMBER 24, 1908.**

**OHIO STATE  
UNIVERSITY**

DES MOINES  
EMORY H. ENGLISH, STATE PRINTER  
E. D. CHASSELL, STATE BINDER  
1908

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1908

special section

STATE OF OHIO

YEAS AND NAYS

## OFFICERS OF THE SENATE.

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President:

WARREN GARST,  
Coon Rapids, Carroll County.

President Pro Tempore:

JAMES A. SMITH,  
Osage, Mitchell County.

Secretary:

GEORGE A. NEWMAN,  
Cedar Falls, Black Hawk County.

First Assistant Secretary. George A. Wilson, Menlo, Adair County.  
Second Asst. Secretary . . . Joseph E. Meyer, Elkader, Clayton County.  
Journal Clerk . . . . . J. S. Irish, Des Moines, Polk County.  
Sergeant-at-Arms . . . . . R. B. Huff, Muscatine, Muscatine County.  
Doorkeeper . . . . . J. L. Hammer, Kellogg, Jasper County.  
Assistant Doorkeeper . . . . J. H. Carter, Redfield, Dallas County.  
Assistant Doorkeeper . . . J. H. Stewart, Washington, Washington County.  
Janitor . . . . . Jeff. Logan, Des Moines, Polk County.

THE SENATE OF THE EXTRA SESSION OF THE THIRTY-SECOND GENERAL ASSEMBLY.

District	NAME	P. O. ADDRESS	COUNTIES IN DISTRICT	OCCUPATION	NATIVITY	Years in Iowa	Age
50	Allen, Joseph H.	Pocahontas	Buena Vista, Humboldt, Pocahontas	Lawyer and Banker	Iowa	39	38
46	Bleakly, John L.*	Ida Grove	Cherokee, Ida, Plymouth	Retired Merchant	Ireland	36	51
18	Bruce, James E.	Atlantic	Cass, Shelby	Banker and Attorney	Iowa	48	48
42	Burgess, Henry C.	Cresco	Howard, Winneshiek	Lumber Dealer	Maine	46	61
12	Clark, Elbert W.	Grinnell	Keokuk, Poweshiek	Physician	Vermont	47	63
16	Vacancy						
21	DeArmand, J. A.	Davenport	Scott	Physician and Surgeon	Pennsylvania	42	56
38	DeWolf, Sherman W.	Reinbeck	Black Hawk, Grundy	Lawyer	Iowa	31	31
30	Dowell, Cassius C.	Des Moines	Polk	Lawyer	Iowa	44	44
33	Dunham, Geo. W.*	Manchester	Buchanan, Delaware	Attorney	Iowa	50	51
28	Eckles, Charles*	Marshalltown	Marshall	Retired Farmer	England	42	68
2	Elerick, James*	Douds Leando	Jefferson, Van Buren	Farmer and Stock	Ohio	59	70
31	Ericson, C. J. A.*	Boone	Boone, Story	Banker	Sweden	49	68
44	Foley, John	New Hampton	Chickasaw, Floyd	Banker	Ireland	51	67
35	Frudden, A. F.	Dubuque	Dubuque	Lumber Merchant	Germany	37	54
43	Gale, A. H.*	Mason City	Cerro Gordo, Franklin, Hancock	Banker	Iowa	45	45
8	Gilliland, Shirley*	Glenwood	Mills, Montgomery	Lawyer	Iowa	51	51
17	Hopkins, F. M.*	Guthrie Center	Audubon, Dallas, Guthrie	Banker	Iowa	54	54
25	Hughes, John, Jr.*	Williamsburg	Iowa, Johnson	Lumber Dealer	Ohio	51	67
32	Jackson, John H.*	Sioux City	Woodbury	Lawyer	Wisconsin	24	45
7	Jamieson, William D.	Shenandoah	Fremont, Page	Editor	Iowa	35	35
11	Jamison, James H.*	Osceola	Clarke, Warren	Attorney	Iowa	48	48
14	Jones, William G.*	Oskaloosa	Mahaska	Lawyer	Iowa	47	47
49	Kimmel, William C.*	Sheldon	Lyon, O'Brien, Osceola, Sioux	Farmer and Stock	Pennsylvania	25	54
47	Kinne, George*	Curllew	Clay, Dickinson, Emmet, Kosuth, Palo Alto	Farmer	Wisconsin	27	48
23	Lambert, Thomas*	Sabula	Jackson	Publisher	Iowa	53	53
4	McKlveen, J. A.*	Chariton	Lucas, Wayne	Physician	Pennsylvania	43	51
1	McManus, E. P.	Keokuk	Lee	Contractor & Quarryman	Iowa	49	51
48	Mattes, Joseph	Odebolt	Carroll, Greene, Sac	Hardware Merchant	Iowa	53	53
29	Maytag, Fred L.	Newton	Jasper	Manufacturer	Illinois	41	51
13	Moon, Edwin G.	Ottumwa	Wapello	Lawyer	Iowa	39	38
36	Newberry, Byron W.*	Strawberry Point	Clayton	Lawyer	Ohio	53	55
20	Nichols, J. I.	West Liberty	Louisa, Muscatine	Farmer	Iowa	53	53



37	Peterson, Chas. F.	Clarion	Hamilton, Hardin, Wright	Attorney	New York	39	52
19	Saunders, Chas. G.*	Council Bluffs	Pottawattamie	Lawyer	New York	40	47
10	Seeley, W. B.	Mount Pleasant	Henry, Washington	Banker and Stock	Iowa	46	46
9	Smith, Fred N.	Burlington	Des Moines	Farmer and Banker	Iowa	58	58
41	Smith, James A.*	Osage	Mitchell, Winnebago, Worth	Retail Lumberman	New York	39	57
24	Stirton, Robert C.*	Monticello	Cedar, Jones	Banker	Scotland	37	47
5	Stookey, Marion F.*	Leon	Decatur, Ringgold, Union	Lawyer	Indiana	51	62
26	Stuckslager, W. C.*	Lisbon	Linn	Banker	Iowa	39	39
3	Taylor, Lewis L.*	Centerville	Appanoose, Davis	Bank Cashier	Kentucky	59	69
6	Turner, Daniel W.*	Corning	Adams, Taylor	Merchant	Iowa	31	31
39	Wade, John F.*	Aredale	Bremer, Butler	Farmer	Vermont	45	49
15	Warren, J. L.*	Pella	Marion, Monroe	Lawyer	Iowa	48	48
45	Whipple, William P.	Vinton	Benton, Tama	Lawyer	Iowa	51	51
34	Whitting, Will C.	Whiting	Crawford, Harrison, Monona	Farmer, Lumber, Impl't.	Iowa	51	51
40	Wilson, A. C.*	Oelwein	Allamakee, Fayette	Druggist	Canada	31	50
22	Wilson, J. L.	Almont	Clinton	Farmer and Stock	Iowa	51	51
27	Young, Henry*	Manson	Calhoun, Webster	Physician	Illinois	36	62

†Elected to fill vacancy caused by resignation of R. A. Hasselquist.  
 ‡Caused by resignation of James J. Crossley.  
 \*Term expires 1908.  
 Republicans in roman—35. Democrats in italic—14. Vacancy—1.

ADDITIONAL INFORMATION.

*Former Legislative Service*:—Bleakly, S. 30, 31; Bruce, S. 29, 30, 31; Clark, H. 31; Dowell, H. 25, 26, S. 29, 30, 31; Dunham, H. 28, 29, S. 30, 31; Eckles, H. 21, 22, S. 30, 31; Elerick, H. 19, S. 30, 31; Ericson, H. 14, S. 26, 27, 30, 31; Foley, H. 22; Frudden, H. 29, 30, 31; Gale, S. 30, 31; Gilliland, S. 30, 31; Hopkins, S. 28, 29, 30, 31; Hughes, H. 27, 28, 29, S. 30, 31; Jackson, S. 30, 31; Jamison, S. 24, 25, 30, 31; Jones, H. 28, 29, S. 30, 31; Kimmel, S. 30, 31; Kinne, S. 30, 31; Lambert, H. 26, 27, S. 28, 29, 30, 31; Mattes, H. 29, 30, 31; Maytag, S. 29, 30, 31; Newberry, S. 30, 31; Nichols, H. 29, 30, 31; Saunders, elected to fill vacancy in S. 29, 30, 31; Smith (Fred N.), elected to fill vacancy in S. 28, 29, 30, 31; Smith (Jas. A.), H. 22, 23, S. 28, 29, 30, 31; Stirton, S. 30, 31; Stookey, S. 30, 31; Stuckslager, H. 28, 29, S. 30, 31; Taylor, S. 30, 31; Turner, S. 30, 31; Wade, S. 30, 31; Warren, H. 28, 29, S. 30, 31; Whipple, S. 29, 30, 31; Whiting, H. 29, 30, 31; Wilson (A. C.), S. 30, 31; Wilson (J. L.), H. 25, 26, S. 27, 28, 29, 30, 31; Young, H. 24, 25, S. 30, 31.

*Military Service*:—Allen, Private Co. F, 49th Iowa Infy., S. A. W.; Eckles, Private, Sergeant, Lieut. and Capt. Co. D, 34th Ill. Vet. Vol. Infy; Elerick, Capt. Co. A, 59th Ill. Vet. Infy; Hughes, Sergeant Co. G, 28th Iowa Infy; Stookey, Private Co. C, 47th Iowa Infy; Turner, Corporal Co. K, 51st Iowa Infy., S. A. W.

*Education—Rural School*:—Kimmel, Maytag, Nichols.

*Common School*:—Burgess, Ericson, Frudden, Lambert, Smith(J. A.), Wade.

*Graded School*:—Eckles, Elerick, Taylor.

*High School*:—Clark, DeArmand, Hughes, Kinne, Mattes, Stirton, Wilson (A. C.).

*Business College*:—Bleakly, McManus, Wilson (J. L.).

*Academy*:—Foley, Jamison, McKlveen, Smith (F. N.), Turner, Whiting, Young.

*College*:—Allen, Bruce, DeWolf, Dowell, Dunham, Gale, Gilliland, Hopkins, Jackson, Jamieson, Jones, Moon, Newberry, Peterson, Saunders, Seeley, Stookey, Stuckslager, Warren, Whipple.

Married, 44. Widowers, Elerick, Ericson, Gale, Taylor. Single, Dowell.

# JOURNAL OF THE SENATE

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SENATE CHAMBER, DES MOINES, IOWA,  
MONDAY, AUGUST 31, 1908.

Pursuant to a call by Governor Albert B. Cummins, the Thirty-second General Assembly convened in extra session at 2 o'clock p. m., and the Senate was called to order by Lieutenant Governor Warren Garst.

Prayer was offered by the Rev. G. W. Swan of Plano, Iowa.

Senator Hopkins moved that George A. Newman act as temporary secretary.

Carried.

George A. Newman was duly sworn as temporary secretary.

Senator Hopkins moved the roll be called to ascertain the number of Senators present.

Carried.

The roll was called.

Those present were:

Senators Allen, Bleakly, Bruce, Burgess, Clark, DeArmand, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frud-den, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Jamison of Clarke, Jones, Kimmel, Kinne, Lambert, McKlveen, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey, Stuckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young—48.

Senator Hopkins moved that the Senate proceed to the election of permanent officers.

Carried.

Senator Hopkins nominated George A. Newman for Secretary of the Senate and moved his election.

Those voting for George A. Newman were:

Senators Allen, Bleakly, Bruce, Burgess, Clark, DeArmand, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frud-den, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Jamison of Clarke, Jones, Kimmel, Kinne, Lambert, McKlveen, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey, Stuckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Clinton, Young—46.

Absent or not voting:

Senators Gale, McManus, Wilson of Fayette—3.

So George A. Newman was declared duly elected Secretary of the Senate.

Senator Hopkins nominated the following named persons for permanent officers of the Senate and moved their election:

Geo. A. Wilson, First Assistant Secretary; Joseph E. Meyer, Second Assistant Secretary; J. S. Irish, Journal Clerk; R. B. Huff, Sergeant at Arms; J. L. Hammer, Door Keeper; J. H. Stewart, J. H. Carter, Assistant Doorkeepers; Jeff Logan, Janitor.

Those voting for the above-named persons for their respective offices were:

Senators Allen, Bleakly, Bruce, Burgess, Clark, DeArmand, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frud-den, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Jamison of Clarke, Jones, Kimmel, Kinne, Lambert, McKlveen, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey,

Stueckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young—47.

Absent or not voting:

Senators Gale, McManus—2.

So the above named persons were declared duly elected.

The permanent officers-elect then appeared at the bar of the Senate and were duly sworn.

Senator Newberry moved that a committee of three be appointed to notify the House that the Senate is organized and ready for business.

Carried.

The president announced as such committee Senators Newberry, Ericson and Frudden.

The president appointed the following messengers, who appeared before the bar of the Senate and were duly sworn:

Chas. H. Grahl, H. Nixon Streit, Clyde C. Curtis, Cleve Foster, Abe Leon, Henry Young.

Senator Peterson moved that the rules of the Thirty-second General Assembly be the rules of the extra session.

Carried.

Senator Hopkins moved that the secretary be authorized to assign desks to the reporters.

Carried.

The committee appointed to notify the House that the Senate was duly organized reported that they had performed that duty.

Senator Smith of Mitchell moved that a committee of three be appointed to wait upon the Governor and notify him that the Senate is duly organized and ready to receive any communications from him.

Carried.

The president named as such committee: Senators Smith of Mitchell, Saunders and Taylor.

A committee from the House announced that the House was organized and ready for business.

The committee appointed to wait upon the Governor announced they had performed that duty and the Governor had announced that he would communicate with the General Assembly in any manner they might suggest.

Lieutenant Governor Garst then addressed the Senate, flitting them upon again being called together, referred casually to the purposes for which they were assembled and trusted the session would be brief and harmonious.

The president announced the following standing committees of the Senate for the extra session, which were read by the secretary:

#### APPROPRIATION.

Senator Maytag	Senator Mattes
Senator Turner	Senator Clark
Senator Saunders	Senator Wilson of Fayette
Senator Hopkins	Senator Seeley
Senator Dunham	Senator Stuckslager
Senator Young	Senator Wilson of Clinton
Senator Stookey	Senator Frudden
Senator Kinne	Senator Taylor
	Senator Foley.

#### ELECTION.

Senator Wilson of Fayette	Senator Peterson
Senator Turner	Senator Whipple
Senator Elerick	Senator Gilliland
Senator Smith of Mitchell	Senator Mattes
Senator Kinne	Senator Wilson of Clinton
Senator Maytag	Senator Stirton
Senator Young	Senator Taylor.

Senator Saunders offered the following concurrent resolution and moved its adoption:

*Be it Resolved by the Senate, the House concurring, That a joint session of the Senate and House of Representatives be held in the cham-*

ber of the House of Representatives at 3 o'clock P. M., on Monday, August 31, 1908, and that Hon. A. B. Cummins, Governor, be invited to read his message to the General Assembly at that hour and place; that a committee of five, composed of two members of the Senate and three from the House be appointed to invite the Governor to read his message before the joint session.

Adopted.

Senator Young moved that the senators occupy the same seats in the extra session as they occupied in the session of the Thirty-second General Assembly.

Carried.

Senator Dowell moved that the Senate take a recess subject to the call of the president.

Carried.

The Senate took a recess.

The president called the Senate to order.

The president announced as committee on the part of the Senate on concurrent resolution relative to holding a joint session at 3 o'clock p. m. to hear the Governor's message: Senators Saunders and Jamison of Clarke.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House concurred in the following concurrent resolutions in which the concurrence of the House was asked:

Relative to the joint session of the Senate and House of Representatives inviting Governor Cummins to read his message to the General Assembly

The speaker named on part of the House, McAllister of Linn, Cassid of Monona and Earle of Allamakee.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGE CONSIDERED.

Senate considered concurrent resolution relative to joint session of Senate and House of Representatives to invite Governor Cummins to read his message to the General Assembly.

Passed on file.

A committee from the House announced that the House was ready to receive the Senate in joint session.

Senator Dowell moved that the Senate proceed to the House for the purpose of joint session.

Carried.

The president announced that the Senate would proceed to the House under the direction of the sergeant-at-arms.

The Senate proceeded to the House to meet in joint session.

## JOINT SESSION.

In accordance with the Senate concurrent resolution duly adopted, the joint session was called to order by Lieutenant Governor Garst.

The roll was then called, and the following members responded:

Allen, Allred, Anderson, Arney, Baird, Balluff, Bascom, Bauman, Beery, Bixby, Blackmore, Bleakly, Brandes, Bruce, Burgess, Calkins, Cassady, Clarke, Clark, Clary, Conn, Corrie, Darrah, DeArmand, DeMar, Dewell, DeWolf, Dodds, Doran, Dow, Dowell, Drury, Dunn, Dunham, Dye of Decatur, Dye of Pottawattamie, Earle, Eckles, Elerick, Elliott, Erieson, Feay, Feely, Felt, Fenn, Foley, Fox, Frudden, Gale, Gilliland, Geneva, Greenwood, Grier, Hackler, Hambleton, Hanna, Hanson, Harding, Heles, Hopkins, Hughes, Hume, Inman, Jackson, Jamieson of Page, Jamison of Clarke, Jewell, Jones of Montgomery, Jones of Mahaska, Kelley, Kellogg, Kendall, Kimmel, Kinne, Koontz, Kull, Lee, Lister, Lowrey, McAllister, McDonald, McElrath, McKlveen, Maben, Mann, Marston, Mason, Mattes, Maytag, Mercer, Meredith, Miller of Bremer, Miller of Dubuque, Moon, Moore, Morris, Newberry, Nichols, Nix, Offill,

Paul, Peterson, Pierce, Price, Reaney, Reitz, Ritter, Saunders, Schoenenberger, Schroeder, Schulte, Seeley, Shaffer, Sheldon, Sidey, Smith of Wright, Smith of Des Moines, Smith of Mitchell, Sparks, Springer, Stewart, Stillman, Stirton, Stoltenberg, Stookey, Stuckslager, Sullivan, Swan, Swift, Taylor, Teter, Turner, Van Houten, Wade, Warren, Webster, Weeks, Welden, Whipple, White, Whiting, Wilson of Tama, Wilson of Fayette, Wilson of Clinton, Wolfe, Youde, Young, Mr. Speaker—148.

Absent members were:

Cottrell, Flugum, Harvey, Holmes, Lambert, McManus—6.

President Garst declared a constitutional majority of the General Assembly present at the joint convention.

The joint committee named to invite the Governor to read his message reported and presented the Governor to the joint convention.

#### MESSAGE OF THE GOVERNOR.

to the Thirty-second General Assembly in extra session.

*Mr. President, Mr. Speaker, Senators and Representatives of the Thirty-second General Assembly.*

Exercising the authority given to the Governor by the constitution, I have convened the Thirty-second General Assembly in extra session, and it now becomes my duty to state the purpose for which I have brought you together. I have called this extra session in order that you might consider and adopt, if it seems wise to do so, an amendment to the Primary Election Law that will enable the voters of any political party to again express their preference as between candidates for the office of senator in congress when the choice made by any such party at the June primary is rendered unavailing by death or withdrawal.

Firmly believing that the failure to provide for such a contingency, coupled with the death of the candidate chosen by the voters of the republican party on June 2d present an extraordinary occasion within the meaning of the constitution, it is due to you and to the people whom we represent that the reasons which have led me to the proclamation, under which you have assembled, be fully and fairly set forth.

The increasing difficulties of government, the supreme necessity of inspiring confidence in the wisdom and justice of our laws, and in the fidelity of our law makers, have gradually established the policy in the great majority of the western and southern states, of taking the opinions of the individual or primary voters upon the candidates for the



senate, in order to guide, advise or instruct the legislators whose duty it is to elect senators. This policy was established in Iowa by the present General Assembly in its regular session in 1907, and it is my abiding conviction that the privilege thus accorded to the people is as deeply cherished as any political right which they now enjoy. Whatever view may be held elsewhere, it cannot be doubted that the men of this State look upon the right to select their senators as vitally important. The Thirty-third General Assembly must elect a senator whose tenure of office is six years. During this period there will come before the Senate of the United States many questions of the gravest concern to the people, not only of Iowa but of the nation.

The attempt on the part of congress to fairly and justly regulate and control transportation companies and other corporations doing an interstate business, to prevent monopolies and oppressive combinations, to protect the country against the undue might of unnecessary concentration is yet but experimental and incomplete. I believe that the voters are inherently entitled to say, and say directly, who shall deal with these questions in their behalf. You so believed and so provided; but human prevision was not clear enough to cover the condition which death has created. In accordance with the law, all the political parties made their choice for senator in June. The choice made by one of the principal parties cannot be carried into effect; and one of two things is inevitable; either the voters of this party must be denied their right for six years, or the General Assembly must supply the omission in the law. Confronted by these conditions and these alternatives, I have unhesitatingly determined that the constitution warrants and the welfare of the people demands an extra session.

I have heard it said that the session is called for the benefit of one party, and therefore improperly called. It is not true and he who so contends is either insincere in his words or superficial in his thought. The men who make up the democratic party are just as much concerned in preserving to the voters of the republican party the privilege of selecting their candidate for senator as they are in preserving the privilege to themselves, if the privilege is an aid to good government, and he who condemns the action I have taken from the low standpoint of party advantage forgets his obligation to the higher standards of patriotism. It has been urged also that if it was my purpose in calling the session to promote the general good, it could only be accomplished by a law that would permit all the voters, without regard to party, to nominate a candidate, and thus abolish party organization. This is but a partisan pretense, and is intended not to give the people more power, but rather to deprive a large portion of them of the power which under the spirit of the law they now have. The time may come, although I doubt it, when party organizations will be abandoned, but it has not yet come, nor do I perceive any tendency in that direction. All our elective officers, both national and state, are nominated through party organizations, and if senators were elected by direct vote they would still be nominated by party primaries, caucuses, or conventions.

It is the extreme of prejudice, therefore, to insist that in order to justify an extra session the measure to be considered must provide for a nomination without respect to party affiliation.

For the reasons I have already stated, I recommend the adoption of an amendment to the primary election law that will authorize the voters of a party in which the choice for senator made at the primary election has been rendered ineffective through death or withdrawal, to again express their preferences as between candidates for the office, at the November election; or, to put it differently, to enable the voters of the party whose choice has become unavailing to fill the vacancy by another election. I recommend that the additional expression be taken at the November election in order to avoid the expense of an independent primary, for it is manifest that if the vote be taken as suggested, there will be no substantial outlay in addition to that which is necessarily involved in the general election.

It does not fall within the scope of my duty to advise you with regard to the specific form of the desired amendment. The object to be attained is clear and plain and I am sure there will be no serious difficulty in reaching it. I may, however, without impropriety, say that the proposed amendment should confine the privilege of voting for senator, under it, to the members of the party which has been or may be deprived of its choice. In the particular instance now under consideration the vacancy exists in the republican party and none but the republicans should be permitted to fill it. When you have answered the question, what is required to be a republican, you will have discovered the test that should be applied. It is generally believed that there are in Iowa more than three hundred thousand men belonging to that party. Not one of them should be excluded from the privilege, nor should any others be admitted to it.

My reference to the condition immediately before us must not be misunderstood. At the present time a vacancy in the republican choice is to be filled; but at some future time the vacancy may be in the choice of another political party. The amendment will necessarily be as general in its terms and as comprehensive in its application as the statute which it amends. Therefore it must be right for all parties and for the future as well as the present. The test for the privilege to be exercised must be fair and just for peace and quiet as well as for stress and storm.

I submit the whole matter to you, confident that there never assembled a legislative body more deeply devoted to the cause of good government than is the Thirty-second General Assembly of the state of Iowa.

There has been much discussion respecting the manner in which the existing vacancy in the office of senator in congress should be filled. A great deal of it has been carried on without an examination of the law governing the subject and I think it is only fair both to you and to me that this message express the law as I understand it.

Section 3, paragraph 2, of the constitution of the United States is as follows:

"And if a vacancy happens by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."

According to the well settled interpretation of this clause of the constitution, if I had made an appointment it would have expired with this session of the General Assembly, and if you adjourn without filling the vacancy my power will not be revived, but the vacancy must continue until a legislature fills it.

The act of congress relating to the subject is as follows:

"Whenever on the meeting of the legislature of any state a vacancy exists in the representation of such state in the senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a senator for a full term."

The authority, responsibility and duty are wholly yours.

Respectfully submitted,



Governor.

Senator Gilliland of Mills moved that the joint convention dissolve.

Motion prevailed.

The Senate returned from joint session.

Senator Clark moved that a committee of three on mileage be appointed.

Carried.

The president announced as such committee: Senators Clark, Turner and Foley.

Senator Turner moved that the Senate do now adjourn until 10 o'clock a. m. tomorrow.

Carried.

Senate adjourned.

## JOURNAL OF THE SENATE

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SENATE CHAMBER, DES MOINES, IOWA,  
TUESDAY, SEPTEMBER 1, 1908.

Senate met pursuant to adjournment at 10 o'clock a. m., President Garst presiding.

Prayer was offered by the Reverend H. E. VanHorn of Des Moines.

Senator McManus appeared and took his seat.

The following communication was received from the Secretary of State and read:

DES MOINES, IOWA, August 31, 1908

*To Members of the General Assembly:*

I find I can spare members of the General Assembly ten to fifteen copies each of the Official Register of 1907-8 for distribution, if desired.

I also will be glad to furnish members with copies of the book entitled "Dedication of Monuments to Iowa Soldiers," to be sent to any old soldiers residing in Iowa, or elsewhere if they served in Iowa regiments during the war.

The name and postoffice of each soldier, together with company and regiment is required.

Yours very truly,

W. C. HAYWARD,  
*Secretary of State.*

### INTRODUCTION OF BILLS.

By Senator Dunham, Senate File No. 1, a bill for an act to amend the law as it appears in Chapter Fifty-one (51) of the Acts of the Thirty-second General Assembly, relating to the expression of choice of candidates for Senator in the Congress of the United States.

Read first and second time and referred to Committee on Election.

Senator Lambert offered the following concurrent resolution, which was laid over under the rules.

CONCURRENT RESOLUTION.

WHEREAS, By act of Divine Providence, in the fullness of time, the people of the State of Iowa have been deprived of one of their representatives in the Senate of the United States, therefore

*Be it Resolved by the Senate, the House concurring,* That a joint convention be held in the House on Tuesday, September 8, 1908, at two o'clock p. m., for the purpose of electing a Senator in the Congress of the United States to complete the unexpired term of the late William B. Allison.

Senator Lambert moved that the concurrent resolution be made a special order for tomorrow afternoon, Wednesday, September 2, at 2 o'clock p. m.

Carried.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following Concurrent Resolution in which the concurrence of the Senate is asked:

Relative to the appointment of a Joint Committee to prepare and present suitable memorial respecting the life, character and public services of the Honorable William B. Allison (deceased).

C. R. BENEDICT,  
*Chief Clerk.*

CONCURRENT RESOLUTION.

*Resolved by the House, the Senate concurring,* That a joint committee consisting of three members of the House and three members of the Senate be appointed to prepare and present a suitable memorial respecting the life, character and public services of the Honorable William B. Allison, deceased, late a Senator in the Congress of the United States from the State of Iowa.

The Journal of yesterday was taken up, corrected and approved.

Senator Hopkins moved that the Senate do now adjourn until 10 o'clock a. m., tomorrow.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER, DES MOINES, IOWA,  
SEPTEMBER 2, 1908.

Senate met in regular session at 10 o'clock a. m., President Garst presiding.

Prayer was offered by the Reverend H. W. Porter of Des Moines.

Senator Peterson offered the following concurrent resolution and moved its adoption:

#### CONCURRENT RESOLUTION.

*Resolved by the Senate, the House concurring,* that the joint rules of the Thirty-second General Assembly be adopted as the rules for the extra session of the Thirty-second General Assembly now convened.

Adopted.

#### HOUSE MESSAGE CONSIDERED.

Concurrent resolution relative to the appointment of a joint committee to prepare and present suitable memorial respecting the life, character and public services of the Honorable William B. Allison, deceased.

Senator Saunders moved that the Senate concur in the House concurrent resolution.

Carried.

#### REPORT OF COMMITTEE.

Senator Clark, from the Committee on Mileage, submitted the following report:

MR. PRESIDENT: Your Committee on Mileage report that they find members of the Senate of the Thirty-second General Assembly in extra session entitled to mileage as follows:

Names	Miles.	Amt.
Lieut. Gov. Garst .....	142	\$ 7.10
Senator Allen .....	206	10.30
Senator Bleakly .....	298	14.90
Senator Bruce .....	164	8.20
Senator Burgess .....	402	20.10
Senator Clark .....	110	5.50
Senator DeArmand .....	350	17.50
Senator DeWolf .....	210	10.50
Senator Dowell .....	...	.....
Senator Dunham .....	304	15.20
Senator Eckles .....	150	7.50
Senator Elerick .....	240	12.00
Senator Ericson .....	84	4.20
Senator Foley .....	326	16.30
Senator Frudden .....	430	21.50
Senator Gale .....	292	14.60
Senator Gilliland .....	326	16.30
Senator Hopkins .....	120	6.00
Senator Hughes .....	212	10.60
Senator Jackson .....	460	23.00
Senator Jamieson, Page .....	380	19.00
Senator Jamison, Clarke .....	120	6.00
Senator Jones .....	128	6.40
Senator Kimmel .....	400	20.00
Senator Kinne .....	250	12.50
Senator Lambert .....	472	23.60
Senator McKlveen .....	120	6.00
Senator McManus .....	326	16.30
Senator Mattes .....	290	14.50
Senator Maytag .....	70	3.50
Senator Moon .....	180	9.00
Senator Newberry .....	438	21.90
Senator Nichols .....	284	14.20
Senator Peterson .....	208	10.40
Senator Saunders .....	284	10.20
Senator Seeley .....	280	14.00
Senator Smith, Des Moines .....	336	16.80
Senator Smith, Mitchell .....	330	16.50
Senator Stirton .....	358	17.90
Senator Stookey .....	172	8.60
Senator Stuckslager .....	310	15.50
Senator Taylor .....	254	12.70
Senator Turner .....	222	11.10
Senator Wade .....	394	19.70



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Senator Warren .....	86	4.30
Senator Whipple .....	340	17.00
Senator Whiting .....	400	20.00
Senator Wilson, Fayette .....	266	13.30
Senator Wilson, Clinton .....	470	23.50
Senator Young .....	180	9.00

Respectfully submitted,

E. W. CLARK,

D. W. TURNER,

JOHN FOLEY.

Adopted.

The President announced as committee on part of the Senate on House Concurrent Resolution to prepare and present suitable memorial respecting the life, character and public service of the Honorable William B. Allison:

Senators Frudden, Saunders and Dunham.

The Journal of yesterday was taken up, corrected and approved.

Senator Newberry moved that the Senate take a recess subject to the call of the President.

Carried.

The Senate took a recess.

The Senate was called to order.

Senator Newberry moved that the Senate do now adjourn until 2 o'clock p. m.

Carried.

Senate adjourned.

## AFTERNOON SESSION.

Senate met, pursuant to adjournment, at 2 o'clock p. m., President Garst presiding.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the speaker pro tem appointed on part of the House on concurrent resolutions relative to the appointment of a joint committee to prepare and present suitable memorial respecting the life, character and public service of the Honorable William B. Allison, deceased, Speaker Kendall, Representatives Heles, Hackler.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following concurrent resolution in which the concurrence of the House was asked: Relative to the appointment of a joint committee to prepare appropriate resolutions in memory of Honorable Lucien C. Blanchard, deceased.

C. R. BENEDICT,  
*Chief Clerk.*

## CONCURRENT RESOLUTION.

*Resolved by the House the Senate concurring,* That a committee of five be appointed, two from the Senate and three from the House, to prepare appropriate resolutions in memory of Hon. Lucien C. Blanchard, a former member of the Twenty-fifth and Twenty-sixth, Twenty-sixth extra, Twenty-seventh, Twenty-eighth and Twenty-ninth Senate General Assembly of Iowa, who died on March 2, 1908.

## HOUSE MESSAGE CONSIDERED.

Speaker Pro Tem appointed on part of the House on concurrent resolution relative to the appointment of a joint committee to prepare and present suitable memorial respecting the life, character and public services of the Honorable William B. Allison, deceased: Speaker Kendall, Representatives Heles and Hackler.

Passed on file.

Concurrent resolution relative to the appointment of a joint committee to prepare appropriate resolutions in memory of Honorable Lucien C. Blanchard, deceased.

Passed on file.

The time having arrived for the special order, concurrent resolution relative to the holding a joint convention for the purpose of electing a Senator in Congress of the United States to complete the unexpired term of the late William B. Allison was taken up and considered.

Senator Lambert offered the following substitute for the concurrent resolution:

## CONCURRENT RESOLUTION.

WHEREAS, by act of Divine Providence, in the fullness of time, the people of the State of Iowa have been deprived of one of their representatives in the Senate of the United States, therefore,

*Be it resolved by the Senate, the House concurring,* that a joint assembly be held in the House Chamber on Wednesday, September 9, 1908, at 12 o'clock noon, for the purpose of taking such procedure in connection with the election of a Senator in the Congress of the United States, to fill the vacancy caused by the death of the late Senator William B. Allison, as is prescribed by law.

Senator Lambert moved that the substitute concurrent resolution be substituted for the original resolution.

Carried.

Senator Dunham moved that the further consideration of the concurrent resolution be postponed until Friday, September 4, 1908, at 2 o'clock p. m.

On the motion a roll call was demanded.

Those voting in favor of the motion were:

Senators Bleakly, Bruce, Clark, Dunham, Elerick, Gale, Gilliland, Jackson, Jamison of Clarke, Jones, McKlveen, Newberry, Nichols, Saunders, Seeley, Stookey, Stuckslager, Whipple—18.

The nays were:

Allen, Burgess, DeArmand, DeWolf, Dowell, Eckles, Foley, Frudden, Hopkins, Hughes, Jamieson of Page, Kimmel, Kinne, Lambert, McManus, Mattes, Maytag, Moon, Peterson, Smith of Des Moines, Smith of Mitchell, Stirton, Taylor, Turner, Wade, Warren, Whiting, Wilson of Fayette, Wilson of Clinton, Young—30.

Absent or not voting:

Senator Ericson.

So the motion was lost.

Senator Lambert moved the adoption of the concurrent resolution.

On the adoption of the concurrent resolution a roll call was demanded.

Those favoring the adoption of the concurrent resolution were:

Senators Allen, Burgess, Clark, DeArmand, DeWolf, Dowell, Dunham, Eckles, Foley, Frudden, Hopkins, Hughes, Jamieson of Page, Kimmel, Kinne, Lambert, McManus, Mattes, Maytag, Moon, Newberry, Peterson, Smith of Des Moines, Smith of Mitchell, Stirton, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young—34.

The nays were:

Senators Bleakly, Elerick, Gale, Gilliland, Jackson, Jamison of Clarke, Jones, McKlveen, Nichols, Stookey, Stuckslager—11.

Absent or not voting:

Senators Bruce, Ericson, Saunders, Seeley—4.

So the concurrent resolution was adopted.

EXPLANATION OF VOTE.

MR. PRESIDENT: Believing the resolution to be superfluous and not in order, inasmuch as it recites only what is already prescribed by law as our duty relative to how and when we shall vote for United States Senator, therefore I vote no.

A. H. GALE.

Senator Dowell moved that the Senate do now adjourn until 10 o'clock a. m. tomorrow.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, THURSDAY, SEPTEMBER 3, 1908.

Senate met in regular session at 10 o'clock a. m., President Garst presiding.

Prayer was offered by the Reverend J. G. Aikman of Des Moines, Iowa.

## PETITION AND MEMORIAL.

Senator McManus presented petition from Citizens of Lee county asking an appropriation of \$5,000.00 for the purpose of holding centennial commemoration of the establishment of Fort Madison and for suitable monument in commemoration of same.

Referred to Committee on Appropriations.

## INTRODUCTION OF BILLS.

By Senator McManus, Senate File No. 2, a bill for an act appropriating \$5,000.00 for the purpose of assisting in the holding of a centennial commemoration of the establishment of Fort Madison and for a suitable monument to preserve to posterity the location of this fort as one of the advance posts marking time in the progress of civilization in its westward course upon this continent.

Read first and second time and referred to Committee on Appropriations.

A BILL for an act Appropriating Five Thousand Dollars (\$5,000), for the Purpose of Assisting in the Holding of the Centennial Commemoration of the Establishment of Fort Madison and for a Suitable Monument to Preserve to Posterity the Location of this Fort as one of the Advanced Posts Marking Time in the Progress of Civilization in Its Westward Course upon this Continent.

WHEREAS, The citizens of Fort Madison, Lee county, Iowa, are to celebrate, commencing October 26th to 30th, 1908, the Centennial Commemoration of the establishment of Fort Madison and to erect a suitable monument to preserve to posterity the location of this fort as one of the advanced posts at that time thrown across on the west bank of the Mississippi river, "The Father of Waters," marking time in the progress of civilization, in its westward course upon this continent, therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

SECTION 1. The sum of five thousand dollars (\$5,000), or so much thereof as may be needed is hereby appropriated of any money in the state treasury, not otherwise appropriated, for the purposes herein set forth.

SEC. 2. This act, being deemed of immediate importance, it shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

On request of Senator Kimmel, leave of absence was granted Senator Kinne on account of sickness.

#### EXPLANATION OF ABSENCE.

MR. PRESIDENT: On account of being delayed by the street car service yesterday, I did not reach the State House until after the vote had been taken on the concurrent resolution for the election of a Senator in the Congress of the United States. Had I been present I would have voted for the resolution. I therefore ask that this explanation be incorporated in the Journal.

C. J. A. ERICSON.

The Journal of yesterday was taken up, corrected and approved.

Senator Lambert moved that the Senate do now adjourn until 10 o'clock a. m., tomorrow.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER, DES MOINES, IOWA,  
FRIDAY, SEPTEMBER 4, 1908.

Senate met in regular session at 10 o'clock a. m., President Garst presiding.

Prayer was offered by the Rev. William B. Thompson of Des Moines, Iowa.

On request of Senator Mattes, leave of absence was granted Senator Dunham on account of sickness.

## INTRODUCTION OF BILLS.

By Senator Lambert, Senate File No. 3, a bill for an act providing for the publication and distribution of the acts and journals of the extraordinary session of the Thirty-second General Assembly.

Read first and second time and referred to Committee on Appropriations.

A BILL for an act Providing for the Publication and Distribution of the Acts and Journals of the Extraordinary Session of the Thirty-second General Assembly.

*Be it Enacted by the General Assembly of the State of Iowa:*

SECTION 1. That ten thousand copies of the acts of the extraordinary session of the Thirty-second General Assembly be printed and bound in pamphlet form, without covers, and that they be distributed in accordance with the provisions of sections forty-two (42) and forty-three (43) of the Code. Any remaining copies shall be distributed free to parties making request therefor.



SEC. 2. That two thousand copies of each of the completed Senate and House Journals of the extraordinary session of the Thirty-second General Assembly be printed and bound in paper covers. Said Journals shall be indexed and distributed as provided in sections one hundred thirty (130), one hundred thirty-one (131) and one hundred forty (140) of the Code. The state binder shall be paid for folding, stitching and binding said journals in accordance with the schedule of prices in sub-section three (3) of section one hundred forty-one (141) of the 1907 Supplement to the Code.

SEC. 3. That the provisions of sections forty (40) and forty-two (42) of the Code as to printing and binding acts of the General Assembly, and the provisions of sections forty-three (43), forty-four (44) and forty-five (45) of the Code as to the sale, and the accounting therefor, of said acts, and the provisions of section one hundred thirty (130) of the Code, relating to the printing and binding of the Journals of the General Assembly, be suspended from application in regard to the acts and journals of the extraordinary session of the Thirty-second General Assembly.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Tribune, newspapers published in Des Moines, Iowa.

Senator Allen offered the following concurrent resolution and moved its adoption:

WHEREAS, A committee has been appointed to prepare and present resolutions commemorative of the life and services of Iowa's late well-beloved Senator, William Boyd Allison, therefore be it

*Resolved by the Senate, the House concurring,* That a joint assembly of the Senate and House of Representatives be held in the hall of the House of Representatives on Saturday, September 5th, at 2 o'clock p. m., for the purpose of receiving the resolutions and of holding a memorial exercise in his honor.

Senator Saunders moved to amend the concurrent resolution by changing the date from Saturday, September 5th, to Tuesday, September 8th.

The amendment was lost.

The concurrent resolution was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in the following Concurrent Resolution, in which the concurrence of the House was asked:

Concurrent Resolution relative to the holding of a joint convention for the purpose of electing a Senator in the Congress of the United States.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

House has concurred in Senate Concurrent Resolution relative to the holding of Joint Convention for the purpose of electing a Senator in the Congress of the United States.

Passed on file.

House Concurrent Resolution relative to appointing a committee to prepare appropriate resolutions in memory of the Hon. Lucien C. Blanchard, deceased.

Senator Jones moved that the Senate concur in the House Concurrent Resolution.

Carried.

The President announced as such committee on part of the Senate, Senators Jones and Ericson.

The Journal of yesterday was taken up, corrected and approved.

Senator Whiting was called to the chair at 10:35 o'clock a. m.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in the following concurrent resolution, in which the concurrence of the House was asked:

Concurrent Resolution relative to adopting the rules of the Thirty-second General Assembly as the rules of this extra session.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker on the part of the House has appointed the following Joint Committee to prepare suitable resolutions in memory of the late Hon. L.

C. Blanchard: Representatives Hambleton of Mahaska, Pierce of Buena Vista and Dow of Franklin.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in the following concurrent resolution, in which the concurrence of the House was asked:

Concurrent Resolution relative to holding a joint memorial service in the House Chamber September 5th, in memory of William Boyd Allison.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGE CONSIDERED.

The House has concurred in Senate Concurrent Resolution relative to adopting the rules of the Thirty-second General Assembly as the rules of this extra session.

Passed on file.

The Speaker appointed on the part of the House for joint committee to prepare suitable resolutions in memory of the late Hon. L. C. Blanchard, Representatives Hambleton of Mahaska, Pierce of Buena Vista and Dow of Franklin.

Passed on file.

House concurred in Senate Concurrent Resolution relative to holding a joint memorial service in the House September 5th, in memory of William Boyd Allison (deceased).

Passed on file.

Senator Hughes moved that the Senate do now adjourn until 10 o'clock a. m., tomorrow.

Carried.

Senate adjourned.

## JOURNAL OF THE SENATE

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SENATE CHAMBER, DES MOINES, IOWA,  
SATURDAY, SEPTEMBER 5, 1908.

Senate met in regular session at 10 o'clock a. m., President Garst presiding.

Prayer was offered by the Rev. C. F. Mattheis of Anna, Ill.

Senator Allen moved a reconsideration of the vote by which the Concurrent Resolution relative to holding memorial services in honor of the late William B. Allison was adopted.

Carried.

Senator Allen moved to amend the Concurrent Resolution by changing the time of meeting from Saturday, September 5th, at 2 o'clock p. m., to Tuesday, September 8th, at 3 o'clock p. m.

Carried.

Senator Allen moved to adopt the Concurrent Resolution as amended.

Adopted.

Senator Saunders moved that when the Senate adjourn today it be until 10 o'clock a. m., Tuesday, September 8th.

Carried.

The Journal of yesterday was taken up, corrected and approved. Senator Seeley was called to the chair at 10:20 o'clock a. m.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in the following Amended Concurrent Resolution, in which the concurrence of the House was asked:

Concurrent Resolution relative to the holding of memorial services in honor of the late Honorable William Boyd Allison, changing the date for such services from Saturday, September 5th, at 2 o'clock p. m., to Tuesday, September 8th, at 3 o'clock p. m.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGE CONSIDERED.

House has concurred in the amended Concurrent Resolution relative to the holding of memorial services in honor of the late Honorable William Boyd Allison, changing the date for such services from Saturday, September 5th, at 2 o'clock p. m., to Tuesday, September 8th, at 3 o'clock p. m.

Passed on file.

Senator Hughes moved that the Senate do now adjourn.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, Tuesday, September 8, 1908.

Senate met in regular session at 10 o'clock a. m. President Garst presiding.

Prayer was offered by the Rev. Father J. F. Nugent of Des Moines, Iowa.

On request of Senator Moon leave of absence was granted Senator Smith of Des Moines for the morning session.

On request of Senator Maytag leave of absence was granted Senator Clark for the forenoon session.

## PETITIONS AND MEMORIALS.

Senator Dowell presented the following petition:

DES MOINES, IOWA, Sept. 5, 1908.

To the Honorable Members of the Senate of the State of Iowa:

We, the women of Des Moines, representing the following organizations whose influence touches every home in the State of Iowa, namely

Women's Christian Temperance Union,  
Federation of Mothers' Clubs,  
Women's Home Missionary Society,  
Inglewold Club,  
Chautauqua Club,  
Political Equality Club,  
Humane Society,  
Women's Relief,  
Salvation Army,  
and Y. W. C. A.,

In mass meeting assembled Saturday afternoon in the parlors of the Savery Hotel passed the following resolution:

*Resolved*, That it is the sense of this meeting that no form of license or segregation of the social evil should be tolerated; and in furtherance thereof

We petition the Iowa Legislature now in session to strike out the word "restraint" in Section 704 of the Code.

By order of the mass meeting assembled.

MRS. IDA B. WISE,

Chairman.

MRS. ANNA M. EDWORTHY,

Secretary.

Passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following concurrent resolution, in which the concurrence of the Senate is asked:

Relative to the appointment of a joint committee to prepare resolutions commemorative of the life and service of the late Honorable M. A. Dashiell.

C. R. BENEDICT,

*Chief Clerk.*

HOUSE MESSAGE CONSIDERED.

House concurrent resolution relative to the appointment of a joint committee to prepare resolutions commemorative of the life and service of the late Hon. M. A. Dashiell.

Senator Jamison of Clark moved that the Senate concur in the House concurrent resolution.

Carried.

Senator Lambert moved that the Senate proceed to the election of United States Senator in Congress at 1:30 o'clock this afternoon.

Carried.

The Journal of yesterday was taken up and approved.

The President announced as committee on part of Senate on House concurrent resolution relative to the appointment of a committee to prepare resolutions commemorative of the life and service of the late Hon. M. A. Dashiell, Senator Jamison of Clark and Ericson.

The resignation of Nixon Streit was received.

Senator Peterson moved that the Senate take a recess subject to the call of the President.

Carried.

Senate took a recess.

The President called the Senate to order.

#### REPORT OF COMMITTEE.

Senator A. C. Wilson from the Committee on Elections submitted the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate File No. 1, a bill for an Act to amend the law as it appears in Chapter Fifty-one (51) of the Acts of the Thirty-second General Assembly, relating to the expression of choice of candidate for Senator in the Congress of the United States, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out all after the enacting clause thereof in said bill and inserting in lieu thereof the following:

SECTION 1. That the law as it appears in Chapter Fifty-one (51) of the Acts of the Thirty-second General Assembly, be and the same is hereby amended by adding after the period at the end of Section Twenty-four (24) of said Chapter the following:

If the candidate of any party for the office of Senator in the Congress of the United States who has received the highest number of votes in his party at any primary election as a candidate for such office, die, resign or remove from the State of his residence, or for any other cause a vacancy in such candidacy shall occur after such primary election is held and before thirty days prior to the day of the general election in November next following, a new primary election shall be held by the members of such party on the day of such general election for the purpose of again nominating or expressing their choice for a candidate for said office in the manner herein provided, viz:

(A) Any person desiring to be a candidate for said office shall have the qualifications required by law, and shall file nomination papers with the Secretary of State in manner and form substantially as required by Section Ten (10) of Chapter Fifty-one (51) of the Acts of the Thirty-second General Assembly, at least twenty (20) days prior to the day of the general election next following.



(B) Each candidate for said office who has filed nomination papers as required by Subdivision (A) hereof shall be entitled to have his name printed on a primary election ballot which shall be prepared, arranged and printed by the Secretary of State substantially in the following form:

PRIMARY ELECTION BALLOT.

..... party of the State of Iowa.  
Primary election to be held on the ..... day of November, A. D. ...., for the purpose of placing in nomination a candidate of the ..... party for the office of Senator in the Congress of the United States.

For United States Senator.

(Vote for one.)

- John Doe.
- Richard Roe.
- .....

(C) Any member of the party holding a primary election under the provisions of this Act desiring to vote for a candidate for the office of Senator in the Congress of the United States shall make a written or printed request of the judges of election for a primary ballot in substantially the following form:

I request a primary election ballot for the purpose of voting at this primary election for a candidate of the ..... party for the office of Senator in the Congress of the United States; that I affiliate with and am in general sympathy with the principles of the ..... party; that it is my intention to support generally at this general election the nominees of such party; that I have not enrolled with nor participated in any primary election or convention of any other political party since the first day of the last preceding year.

Upon the presentation of such request it shall be the duty of the judges of election to deliver to the applicant, if a qualified elector, a primary election ballot, unless challenged on the ground that he is not a member of such political party; and if challenged on said ground, it shall not be delivered to him unless he make oath to the statement he had made in his request to be administered by one of the judges of election, and if he make said oath he shall be entitled to receive and vote said primary ballot.

(D) The officers of the general election shall be the officers of the primary election hereby authorized, provided, however, that in precincts in which more than five hundred votes were cast at the last general election an additional clerk may be employed and paid as other clerks of the general election.

(E) The names of the members of the party voting at said primary election shall be recorded in the poll books in columns separate and apart from the list of those voting at the general election.

(F) The primary election provided for in this Act shall be held in each voting precinct of the State at the same time and concurrent with the holding of the general election.

(G) The votes of any political party cast at such primary election for the nomination of a Senator in the Congress of the United States shall be canvassed, recorded and certified the same as those cast for state officers, and the candidate of any party for such office at the primary election herein provided for receiving the highest number of votes of his party in the State shall be the nominee of his party for such office, and the Secretary of State shall certify the result of such primary election to the next convening General Assembly.

(H) The Secretary of State shall distribute to each County Auditor in the State, at least fifteen days prior to the general election, a sufficient number of primary election ballots and request statements, as herein provided for, for the use of the members of any party holding a primary election under the provisions of this Act, and each County Auditor shall distribute a sufficient number thereof to the Judges of each election precinct at the same time and in the same manner as required by law for the distribution of the official ballots for the general election. The fac simile signature of the Secretary of State shall be placed upon each primary election ballot.

(I) The provisions of Chapter Fifty-one (51), Acts of the Thirty-second General Assembly, shall apply to the primary election provided for in this Act so far as applicable, except as herein otherwise provided.

SECTION 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader of Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

And when so amended the bill do pass.

A. C. WILSON,  
*Chairman.*

Adopted.

#### THIRD READING OF BILLS.

Senate took up for consideration Senate File No. 1.

Senator Wilson of Fayette moved the adoption of the amendments recommended by the committee.

Carried.

Senator DeWolf moved to amend by substituting for the entire bill known as Senate File No. 1 the following:

A BILL FOR AN ACT RELATING TO THE NOMINATION OF CANDIDATES FOR MEMBERS OF THE GENERAL ASSEMBLY; RELATING TO THE NOMINATION AND ELECTION OF UNITED STATES SENATORS; RELATING TO THE FILLING OF VACANCIES IN NOMINATIONS FOR OFFICE; AMENDING SECTIONS 1087a10, 1087a24, 1087a25, 1087a26 AND 1087a27 OF THE 1907 SUPPLEMENT TO THE CODE; AND AMENDING TITLE SIX, CHAPTER THREE, OF THE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That Section 1087a10 of the 1907 Supplement to the Code be and the same is hereby amended by adding thereto the following:

In case an elector seeks nomination for the office of Senator or Representative in the General Assembly, he shall be furnished, on application to the Secretary of State, an affidavit blank in form required in Section 1087a10 of the 1907 Supplement to the Code, upon which blank there shall be printed, on the same sheet of paper, the following two statements, either of which he may sign; but if he does not do so the Secretary of State shall not on that account refuse to file said candidate's nomination petition.

STATEMENT NO. 1.

I hereby declare that if I am elected to the office which I seek I will, during the term of my office, always vote for the candidate for United States Senator who has received the highest number of votes for that office at the general election next preceding the election of a United States Senator, without regard to my individual preference.

.....,  
*Signature of the candidate for nomination.*

STATEMENT NO. 2.

I hereby declare that if elected to the office which I seek I shall consider the votes of the people for United States Senator nothing more than a recommendation, and I shall feel free to wholly disregard them.

.....,  
*Signature of the candidate for nomination.*

Not later than ten days after the passage of this Act the Secretary of State shall mail to each candidate for the office of Senator or Representative in the Thirty-third General Assembly at the time of the passage of this Act blank statements No. 1 and No. 2, in form as indicated above, one of which statements said candidate may sign and file with the Secretary of State not later than the first day of October, 1908.

SECTION 2. That Title Six, Chapter Three of the Code, be and the same is hereby amended by adding thereto the following:

At the general election next preceding the election of United States Senator by the General Assembly there shall be placed upon the official ballot by each of the County Auditors the names of the candidates for United States Senator of all political parties who have, as certified by the Secretary of State, been nominated by any of the methods provided by law, and the vote for said candidates shall be counted and certified to by the election judges and canvassing boards in the same manner as the vote for candidates for other offices. The certificate of the vote for United States Senator shall be made in duplicate and sworn to by the board of canvassers of each county and returned to the Secretary of State, who shall transmit such certificates to the General Assembly, upon its organization at the next ensuing session, one of which shall be addressed to the President of the Senate and the other to the Speaker of the House of Representatives, which officers shall open and lay the same before the House and Senate when in session for the purpose of electing a United States Senator as now required by law.

SECTION 3. That Section 1087a24 of the 1907 Supplement of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

In case of a tie vote resulting in no nomination for any office or the election of delegate or party committeeman, the tie shall forthwith be determined by lot by the board of canvassers or judges of election, as the case may be. Vacancies occurring after the holding of any primary election occasioned by death, withdrawal, change of residence, or from any other cause, shall be filled by a convention composed of the delegates selected under the provisions of Sections 1087a25, 1087a26, 1087a27 of the 1907 Supplement of the Code, for the County, District or State, as the case may be, representing the party in which the vacancy in the nomination occurs. Said convention, when not called under the provisions of Sections 1087a25, 1087a26 or 1087a27 of the 1907 Supplement of the Code, shall be called by the Chairman of the party Central Committee of the County, District or State, as the case may be, and the time for holding such convention shall be fixed by him at a time not later than thirty days prior to the first Tuesday after the first Monday in November; provided that if the vacancy occurs later than thirty days prior to the first Tuesday after the first Monday in November the date for the holding of the convention shall be fixed at a time not later than ten days after such vacancy occurs.

In case of death, withdrawal or inability from any cause of a candidate of a political party's choice for United States Senator, as expressed by the vote at the regular primary in June, thereby causing a political party to be without a candidate for election by the General Assembly, then and in that case the foregoing provisions shall apply and be operative for the selection of another candidate of that party.

If a vacancy shall occur after the November election by the death, withdrawal or inability of the candidate of the people's choice for United

States Senator, as expressed at the general election to be the candidate for election by the General Assembly, then all political parties having had candidates for the office of United States Senator on the official ballot at the general election shall meet in separate party conventions, called as provided herein, at a time not later than ten days after such vacancy occurs, and select a candidate for that office, and in such case members of the General Assembly who have signed Statement No. 1, as provided in Section One hereof, shall be relieved from their obligation in said statement.

SECTION 4. This Act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines.

The substitute was read for information.

On the adoption of the substitute a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators DeArmand, DeWolf, Foley, Frudden, Jamieson of Page, Lambert, McManus, Moon, Stirton, Taylor, Wade, Whiting, Wilson of Clinton—13.

The nays were:

Senators Allen, Bleakly, Bruce, Burgess, Dowell, Dunham, Eckles, Elerick, Ericson, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamison of Clarke, Jones, Kimmel, Kinne, McKlveen, Mattes, Maytag, Newberry, Nichols, Peterson, Seeley, Smith of Mitchell, Stookey, Stuckslager, Turner, Warren, Whipple, Wilson of Fayette, Young—33.

Absent or not voting: Senators Clark, Saunders, Smith of Des Moines—3.

So the amendment was lost.

Senator Lambert moved that further consideration of Senate File No. 1 be postponed and that it be made a special order for tomorrow, September 9th at 10 o'clock a. m.

Carried.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House has named as committee on part of the House to

prepare suitable resolutions commemorating the life and public services of the late Honorable M. A. Dashiell, Representatives Price of Warren, Van Houten of Taylor and Weeks of Guthrie.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGE CONSIDERED.

House concurrent resolution to prepare suitable resolutions commemorating the life and public services of the late Hon. M. A. Dashiell.

Passed on file.

Senator Gilliland moved that the Senate do now adjourn until 1:25 o'clock p. m.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:25 o'clock p. m. President pro tem. Smith presiding.

President Garst assumed the chair.

The hour having arrived for the special order to elect a United States Senator in Congress, the Senate proceeded to elect a United States Senator in Congress for the unexpired term which began March 4, 1903.

Senator Turner: In accordance with and in the name of a republican caucus of the members of the legislature held September 4, 1908 in the House of Representatives I nominate for the office of United States Senator in Congress the Governor of the State, Albert B. Cummins.

Senator Lambert nominated Claude R. Porter for United States Senator in Congress for the unexpired term which began March 4, 1903.

Those voting for Albert B. Cumming for United States Senator in Congress were :

Senators Allen, Bruce, Burgess, Clark, Dowell, Eckles, Ericson, Hopkins, Hughes, Kimmel, Kinne, Mattes, Maytag, Newberry, Peterson, Saunders, Smith of Mitchell, Turner, Warren, Wilson of Fayette, Young—21.

Those voting for Claude R. Porter were :

Senators DeArmand, DeWolf, Foley, Frudden, Jamieson of Page, Lambert, McManus, Moon, Smith of Des Moines, Stirton, Taylor, Wade, Whiting, Wilson of Clinton—14.

The following voted for Walter I. Smith :

Senators Elerick, Dunham, Gilliland and Jones—4.

The following voted for Joseph R. Lane :

Senators Jamison of Clark, Nichols, Stuckslager and Whipple—4.

The following voted for Frank D. Jackson :

Senators Bleakly, McKlveen and Stookey—3.

The following voted for William Larrabee, Senator Gale—1.

The following voted for George D. Perkins, Senator Jackson—1.

The following voted for Warren Garst, Senator Seeley—1.

#### EXPLANATION OF VOTE.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday

next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

JOHN L. BLEAKLY.

MR. PRESIDENT—While I am and have been opposed to the election of a United States Senator for the short term until after the voters of the Republican party shall have had an opportunity to express their preference on same, yet as the Republican caucus of this Assembly, held on Friday of last week, in which I participated, decided by a majority vote to present Albert B. Cummins as the Republican candidate for Senator for the short term, I now vote for Albert B. Cummins for Senator for the short term.

JAS. E. BRUCE.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

JAMES ELERICK.

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A. H. GALE.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

W. P. WHIPPLE.

SHIRLEY GILLILLAND.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

JOHN H. JACKSON.

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passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

JAS. H. JAMISON.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session.

WM. G. JONES.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

J. A. MCKLVEEN.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

J. I. NICHOLS.

Since the death of the candidate selected at the June primary I have no means of knowing who would be the choice of a majority of the Republican voters in Iowa for United States Senator. I am in favor of giving the people another opportunity to express their preference at the November election.

I will vote, at my first opportunity thereafter, for the candidate of the Republican party receiving the highest number of votes at said election.

W. B. SEELEY.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

MARION F. STOOKEY.

I believe that the Republicans at large should select their candidate for Senator. It is within the power of this Legislature to adjourn until November next. At that time, if an amendment to the primary law is passed, we will have received an expression of the Republican voters of the State indicating their choice, and can, and in good conscience will be bound to, name as Senator for the short term the person named by the voters for the long term. We cannot at this time elect a United States Senator and be assured that such election will meet with the approval of the Republican electors. We can by resolution, on Thursday next, adjourn to a day in November, "without imposing any additional expense upon the taxpayers" except for one day's session. The law expressly provides that members of the Legislature, when convened in special session, shall receive not to exceed \$6.00 per day while in actual session. On Saturday morning last we adjourned until the following Tuesday. Clearly the members of this assembly are not entitled to a per diem for the intervening Sunday and Monday. A Legislature cannot be said to be in session, after adjournment, until it has convened again upon a day named.

W. C. STUCKSLAGER.

President Garst then declared that no one having received a majority of all the votes cast there has been no election on the part of the Senate.

Senator Gilliland moved that the Senate take a recess until 2:55 o'clock p. m.

Carried.

Senate took a recess.

The President called the Senate to order.

A committee from the House appeared and announced that the House was ready to receive the Senate in joint session.

The President announced that the Senate would proceed to the House under direction of the Sargeant-at-arms.

The Senate proceeded to the House.

## JOINT SESSION.

The joint session was called to order by Lieutenant Governor Garst, President of the Joint Session.

Hanson of Humboldt moved that Hon. G. L. Tremain of Humboldt be accorded a seat upon the platform.

Motion prevailed, and the President named Hanson of Humboldt to conduct Hon. G. L. Tremain to the speakers' station.

Kelley of Polk moved that a committee be named to escort the Governor to the speaker's station.

Motion prevailed and the President named Kelley of Polk to escort the Governor to the President's Station.

The following program was rendered:

Invocation .....	A. L. Frisbie
Music, Jesus Savior Pilot Me .....	Hylo Quartet
Memorial resolution of Joint Committee, .....	
.....	Senator Dunham
Address .....	Representative Harding
Music, Nearer My God to Thee .....	Hylo Quartet
Address .....	Senator Allen
Music, Someday, Sometime .....	Hylo Quartet
Address .....	Representative Hackler
Music, Better Land .....	Hylo Quartet
Address .....	Senator Saunders
Music, Lead Kindly Light .....	Hylo Quartet

## JOINT COMMITTEE REPORT.

Senator Dunham read the following report of Joint Committee on memorial of William B. Allison:

## MEMORIAL AND RESOLUTIONS.

The State and Nation mourn the death of William Boyd Allison, senior Senator of the State of Iowa, who died at his home in Dubuque, Iowa, August 4, 1908, and was there borne to his tomb August 8, 1908, with every evidence of respect and devotion from the people of the Nation he had so long and faithfully served. It is with full apprecia-

tion of our loss that we meet here to-day to make fitting note upon the records of the State our great appreciation of his services to the people and our love for him as a man.

Senator W. B. Allison was born in Wayne County, Ohio, March 2, 1829. His early life was passed upon the farm and in the schools of his native state. He was admitted to the bar of Wayne County, Ohio, in 1852, and began the practice of law at Ashland in that State. He came to Iowa in 1857, locating at Dubuque and that was his home until his death. He took an immediate and continual interest in the politics of his country. Two years after his arrival in the State, his name appears as delegate to the Republican State Convention in Iowa, which nominated Samuel J. Kirkwood for Governor, and as a delegate to and a secretary of the National Republican Convention in 1860, which nominated Abraham Lincoln for President. In 1862 he was elected to represent Iowa in Congress and was three times re-elected, serving until 1871. He took his seat in the United States Senate March 4, 1873, remaining in continuous service in that body until his death. He has served as a member of the Finance Committee in the Senate since 1877 and has been chairman of the Committee of Appropriations in that body since 1881. By him, as head of the Appropriation Committee, billions in dollars of our country's money has been distributed. No man can truthfully say that a suspicion of dishonesty in the exercise of his duty attached in the expenditure of a single dollar of that vast sum. We need not here make a record of his works. His has been a moulding and guiding hand in all important national legislation during his eventful and busy life. Future generations will find his work indelibly stamped upon the history of this country to which he gave his life service. He had been frequently considered an available candidate for President and failed to get the nomination of his party for that high office in 1888 by the narrowest margin, or, as stated by Senator Hoar, of Massachusetts: "I think no other person ever came so near the Presidency of the United States and missed it" He was invited to take the portfolio of the Treasury in the cabinets of both President Garfield and President Harrison. He was tendered the position of Secretary of State by President McKinley, but each time chose to continue his work in the Senate to which the citizens of this State had elected him. He was a modest, a kindly, a lovable man. Both in his private life and as a servant of the people he was attentive to the call of high and lowly alike. He has been the counselor, the confidant of the Presidents. His kindly letters of friendship and service are treasured to-day in very many homes throughout the land. Others may have had a more eloquent tongue; others been more free to lead into new fields of legislation, but he has stood always as the rock of safety to which all patriots turned in case of storm and around which the waves of impulse and passion surged without moving him. The Nation has reason to be thankful for his life and to sorrow at his death. Such, too briefly told, has been the life and service of this great man, therefore be it,

*Resolved*, That we hereby express our appreciation of the noble life and and faithful service of William Boyd Allison, who, called to many

positions of trust, has, by his sterling manhood and great ability, honored every position which he has held.

That as Congressman and Senator of the State of Iowa, he has ably and faithfully served the people and has greatly honored the State and greatly profited the Nation.

A. F. FRUDDEN,  
GEO. W. DUNHAM,  
C. G. SAUNDERS,  
*Committee of Senate.*  
N. E. KENDALL,  
C. W. HACKLER,  
PHILIP HELES,  
*Committee of House.*

Senator Frudden moved that the Resolutions of the Joint Committee commemorating the life, character and public service of the late William Boyd Allison, be adopted by a rising vote.

Motion prevailed and resolutions were unanimously adopted.

Remarks by Senator Frudden.

MR. PRESIDENT—Named as a member of the committee by you, and chosen by the people of the home of Senator Allison to represent them in the Thirty-second General Assembly, it has fallen upon me to take part in the exercises of this day, and to make a few brief remarks before I move the adoption of the resolution just read. I confess I feel the absolute inability to do justice in not having that eloquent tongue to fully voice the sentiment of my heart, and those of my people at this time on the passing of this great statesman, and to fitly express what seems to me due such a man who has served his State and Nation so long and so well, and it is only fitting and proper to pause and mark time for a while at the grave of a man whose name in Iowa, in all its history has been made so familiar to the Iowa household. A man, who faithful in the service of the Republic through vigorous manhood, and zealous in its interests until death, who, honored by the State that he loved, brought honor to that State, by continuous distinguished service in the counsel of the Union from 1862 to August, 1908. He was always what might be termed a true guide to men regardless of their politics or station in life, and he was especially a friend of the young men. It is said that once a young man came to him to thank him for what he had done for him, when he asked Allison if there was anything he could do in return, it is said, that the Senator's reply was about like this, "Yes, my boy, you can do much for me by doing well for yourself, be industrious and be honest." Certainly good advice. He was actuated only by a desire for the perpetuity of our institutions and the happiness of our people, and when a man like Wm. B. Allison lays down by the wayside, bow-

ing and submitting to the inevitable laws of nature at the ripe age of eighty, it is well for us, and those who remain for the time being, to take up the burden where he left off, to pause and review that most honorable public career as well as the blameless private life of Wm. B. Allison, late Senator in the Congress of the United States from the commonwealth of Iowa. When that is done we must then come to the conclusion that it is well worthy of emulation. He may not have been the brightest man, but he was a good man. He may not have been as progressive as some, but he was a safe man. He may not have been what you would call a polished orator, but when he said something, it usually meant something. He was useful rather than brilliant, careful rather than original; successful rather than famous. In Congress he was looked upon by members of both political parties as a prudent, conservative statesman and his advice on political, as well economic questions was often sought, and no man in Washington could count so many political friends, or so few enemies. Allison's wish came to be looked upon as a command which his colleagues were glad to follow in all but partisan measures. Governor Cummins said of him at the time of his death, Allison will long be remembered not only in Iowa, but throughout the whole country. He rendered most useful service to the Nation during his public career which for length has scarcely a parallel in the history of the United States. For years Senator Allison was chairman of the Appropriation Committee in the Senate and his responsibility at times was great, but he seemed always equal to the emergency, and I believe when the history from the time of Garfield to Roosevelt is written, yes, I might say from 1862 to 1908, the name of William B. Allison of Iowa will appear foremost on its pages. It is often quoted that, a prophet is without honor in his own country, and more especially in the vicinity of his own home; that, Mr. President, I assure you could not apply to Allison; if we had no other proof to the contrary, this one would be sufficient.

When early in August we took what remained of Senator Allison from his beautiful residence on Locust Street to beautiful Linwood where we laid him along side his former colleague and friend, David B. Henderson, amidst the greatest profusion of flowers, thousands of people, from his old friends down to the children in the kindergarten, lined up on both sides of the street for over one and a half miles, not for idle curiosity, but to pay their last respects to Dubuque's most illustrious citizen that we were about to lay away in its final resting place, and as at that time the people of Dubuque assembled to do honor to him who had lived among them for so many years, so does now the Thirty-second General Assembly of the State of Iowa, in joint convention assembled, representing the people of the State, in whose service for many years he lived, and in whose service he died, that we here inscribe as an expression of our sorrow and regret at our loss the cheering and re-assuring conviction that the examples of his fidelity and virtues live on.

In conclusion, Mr. President, permit me to extend the thanks from our people at home to the officers and members of the Thirty-second



General Assembly, and those ladies and gentlemen outside of the General Assembly who have honored us with their presence on this occasion to-day. I now move, Mr. President, that the resolution prepared by the committee and read here be adopted by a rising vote. I thank you.

#### Remarks by Mr. Hackler:

MR. PRESIDENT—In the midst of strife, turmoil, acrimonious discussions and feverish anxiety, it is peculiarly fitting that the General Assembly of Iowa should pause to pay tribute to the memory of William Boyd Allison, one of the kindest, serenest and most lovable statesmen of all time. Words are feeble in expressing emotions, inadequate quite, when a whole nation is bowed in profound sorrow.

The public services of the lamented Senator demand the skill of the historian; an analysis of his character requires the efforts of an inspired genius. A great man has passed from our midst. Iowa has lost its wisest and safest counsellor; the nation has suffered an irreparable loss. He has answered the final roll call—the last decree in equity has been entered. "After life's fitful fever he sleeps well."

His youth and young manhood are of little moment; the balance of his life is so entwined with the history of our country that it is familiar to every student of national affairs. Born in a log cabin in the State of Ohio, he experienced the hardships and vicissitudes incident to the life of every son of poverty. In early manhood he removed to the State of his adoption, where he abode upon the banks of the Father of Waters until the end of his illustrious career. Soon after his removal to Iowa the public pulse was throbbing with excitement. Differences of thought and interest divided our people; the momentous issue of State sovereignty was taking form. Young Allison soon found an opportunity for the engagement of those remarkable faculties that have served his country so well. Serene in temperament, well-poised, courteous to all, affable in every relationship of life, the public service commanded and he obeyed.

Senator Allison's career has been unique. Unique in the period of time it has embraced; unique in the influence he has exerted upon legislation in times of national travail; unique in that he died without a personal enemy. For the last forty-five years, save an interim of two years, he assisted in shaping and molding the destinies of this Republic. He has made more of Iowa's history than any other man. He has written into the statute books of his country more useful legislation than any man of his time.

When the dark shadows of disunion hung heavily over our young Republic, when armed treason was organizing to hurl its shining lance into the Nation's heart, the political party to which he owed allegiance received its birth.

Since our Constitution was ordained differences of opinion were entertained respecting the character of the Union. One school of thought contended that the Union was a mere voluntary association of States from which any member could withdraw at pleasure; the other held that

the Union was a nation, indivisible and indissoluble, and any attempt to withdraw therefrom was treason. These different opinions were crystallized into convictions—conviction that the time had arrived for the South to assert its right to withdraw from the Union and administer its own affairs; conviction that the institution of human slavery was eternally wrong—that not one star should fall from that bright galaxy that formed the American Union.

Strange, indeed, that each side misunderstood the other. Strange that some light from a superior power could not have shone in upon the stubborn, unyielding minds and consciences of imperfect creatures before the appalling tragedy was enacted. Estranged from each other, divided by interest, each side believing that the other did not dare submit to the arbitrament of the sword, events drifted steadily toward war, and soon was heard the clash of arms and the steady tread of disciplined feet.

It would be difficult to picture Senator Allison a militant character, unsheathing his sword to sacrifice his fellow-being. Imagination cannot conceive that kind, considerate, beneficent soul, even in the days of stalwart young manhood, embarking upon a course of ruin, devastation and sacrifice of human life. God gave it to him to conciliate, to alleviate, to compose, to instil into the hearts of his countrymen the divine attribute, love.

Sometimes in the career of great men we can plainly see the guiding hand of an overruling Providence.

Allison was appointed by Governor Kirkwood a member of his staff to raise troops for the dreaded conflict. He organized two regiments, and would have gone to the front had not the stern hand of disease disarmed and restored him to the larger and more congenial duties of peace. In the department of our government where policies are determined, and ways and means provided for their execution, there was need for such men as Allison. So in the following year he was elected to Congress. Those were days when men's souls were being tried, when men's passions were inflamed and reason dethroned. There was demand for the cool, calm and deliberate judgment of an Allison. Thus began the public career that has embraced nearly one-third of the life of the Nation and made our departed friend the supremest authority upon the intricate questions of revenues and expenditures of our government.

It is too early to place a proper estimate upon the public services of the lamented Senator. Some there are who think his services upon the Appropriations Committee of the Senate, where the disbursement of over a billion dollars a year passed under his scrutiny, will fix his place in political history; others that the financial policies that bear the impress of his masterful hand, while it is probable that the verdict of the historian will be that his fame rests upon his ability to produce harmony out of many discordant notes.

Wherever the responsibility of government rests with the individual, wherever the humblest citizen may voice his convictions in the conduct of public affairs, the estimate placed upon those clothed with official authority must necessarily vary. We have the radical leader and the

conservative leader. The American people are an heroic people, full of energy, originality and enterprise. Upon the instant the dash, the daring and courage of the radical gains our adherence and elicits our unqualified approval. Radicalism combats wrong in its multifarious forms; it enlists on the side of the weak and oppressed and wages relentless war against the oppressor; it is intolerant of delay, and demands speedy action; it is quick in discernment, enterprising in execution, distrustful of compromise, and follows principles to their ultimate conclusion. It is essential to the onward progress of government and the promulgation and execution of needed reforms, but there is always danger that in the moment of victory, unless checked, it may cross the boundary line of equal and exact justice.

Conservatism is never destructive. It is more inclined to suffer wrongs than to seek a remedy; it is never erratic; it demands proof; with it reform is an evolutionary process, and never unduly hasty. It holds fast to that which is good and seeks to gradually eliminate the bad. Its aim is equality, equity and justice. Conservatism watches from the heights the contest of opposing forces, and in the crisis of the moment dictates the terms of settlement.

Both radicalism and conservatism are necessary in our form of government; both are needed in our Hall of Congress; both contribute to the solution of the many intricate and perplexing problems that underlie self-government.

To the latter class belonged Senator Allison. He did not believe in strife; his heart was too full of human kindness to attempt to gain a selfish advantage. He never shirked a duty nor shunned a responsibility, but his ear was ever attuned to catch the wishes of the people he loved so well and served so faithfully.

He was not a conspicuous figure in political life. Seldom did he engage in debate, but his words always carried conviction. When a great public question inflamed the mind, he listened to the clash of ideas and with almost superhuman sagacity discerned the lines of division. Without ever violating a moral principle or surrendering a conviction of what was right, he had the remarkable faculty of eliminating the non-essentials and pointing out the principle upon which the opposing forces could agree. While a member of the Senate, he was to a large degree over and above the Senate counseling and advising. "His soul was like a star and dwelt apart."

And so he lived, a quiet, modest, unassuming man, full of honor and conscious to the last of the unfaltering love of his people. When the lengthening shadows fell they rested upon one in whose bosom no storm of unsatisfied ambition raged, "but being weary for a moment he laid down by the wayside, and, using his burden for a pillow, fell into that dreamless sleep that kissed down his eyelids still." A beautiful life, a beautiful death

"Life is a narrow vale between the cold and barren peaks of two eternities. We strive in vain to look beyond the heights. We cry aloud, and the only answer is the echo of our wailing cry. From the voiceless lips of the unreplying dead there comes no word; but in the night of death hope sees a star, and listening love can hear the rustle of a wing."

Borrowing the thought of another and employing the language of Theodore Parker upon a similar occasion, we can now truly say that—

“He died with his harness on; died like a Senator in the Capitol of the Nation; died like an American in the service of his country; died like a Christian, full of immortality.”

### Remarks by Senator Allen :

MR. PRESIDENT—By nature I am not an orator, and the meager ability I do possess is rarely used, hence you will understand me when I say that I feel truly sorry that to the committee it has seemed expedient to ask me to take part in the exercises of this most memorable occasion. I appreciate this honor and crave the language of a Phillips and the magnetism of a Webster that I might properly portray the worth of one of the greatest of Iowa's great men—William Boyd Allison.

Only a few weeks ago Iowa, the nation, yes, the world, was called upon to mourn his loss. Without warning, when his children, the State and Nation, were at peace with all the world, and with their benediction upon his brow, in the quiet of a summer day his great spirit went out. The light of his countenance and counsel, which from the early dawn of his young manhood had illumined our pathway, was dimmed. The shadow which first fell on his home city with the speed of the lightning bolt enveloped our whole country. The farmer in his field, the merchant at his counter, the mechanic at his forge, the banker at his desk, everyone in every walk of life pause with feelings of sadness in personal sorrow.

“The shadow of his loss moved like eclipse,  
Darkening the world. We have lost him; he is gone;  
We know him now. All narrow jealousies  
Are silent, and we see him as he moved.  
How modest, kindly, all-accomplished, wise.  
With what sublime repression of himself,  
And in what limits, and how tenderly;  
Not swaying to this faction or to that;  
Not making his high place the lawless perch  
Of winged ambitions, nor a vantage-ground  
For pleasure; but through all this tract of years  
Wearing the white flower of a blameless life.”

That he was fully and evenly developed in all that makes for well-balanced manhood, peculiarly fitting him for the unique position he held, is well stated by those who knew him best. James G. Blaine, in his “Thirty Years in the American Congress,” says: “He was more noted for industry, good judgment and common sense than for brilliancy.” Burrow of Michigan thus took his measure: “He was more noted for knowledge of facts than skill in presenting them.” Senator Aldrich says: “He was an encyclopedia of knowledge concerning Congressional legislation.” While Pete Hepburn, in speaking of Allison's place in history, declares: “He will be classified with the useful men.”

Senator Allison was really great. By nature not brilliant, by fate not a hero, his worth was his work. He is an exemplification of the old

saying, "That which is worth doing at all is worth doing well." To him the performance of duty was not only to do it acceptably, but to do more than was expected. His reward was work completed, not pay promised or hoped for. It is said that few men in the history of the world have given more unpaid service than he.

Each task finished developed and enlarged his capacity for doing things, until in his later years he overshadowed the strength and power of his associates as the oak overshadows the other trees of the forest.

Days, months and years of his life were spent in careful study of dry statistics, uninteresting schedules, facts and figures, that his country, this country of ours, might prosper. There was no stimulating applause, no blare of trumpets, no shouts of victory, no force to command and no commanding force save the silent monitor within. So well, so thoroughly he wrought that Presidents sought his counsel and associates, regardless of party, his advice.

As he was great, so he was plain in manner and plain in life. He was quiet and unassuming, modest and retiring. Peacefully and gently he went about his duties among his friends and neighbors, and in the same spirit did he perform his labor in Congress. He was humble but not servile. "He was slow to wrath" and therefore "of great understanding." Rarely if ever did an improper or an ill-considered criticism escape his lips even in speaking to or of political opponents. He solved the problems of state as he would those in mathematics, with reason and logic, always reaching the most expedient solution. He was strong in conviction, steadfast in purpose, yet always deferential and considerate.

Never were his motives impugned or his integrity questioned. Early in his public life all learned that he was fair and honest. He was therefore not subjected to the temptations of weaker men, for his line of conduct was established from the beginning. Ever true to his friends, and ever ready to sacrifice personal ease and comfort in their behalf, he was loved by all who knew him, and to know him was to love him. He was kindly in nature. No seeking heart knocked at his door in vain. His charity was such as knows not itself so freely does it flow, so gently and noiselessly does it fall.

What a heritage he has left! What an inspiration to a young man who is opening his books for his life accounts! If I were to epitomize the lessons of his life I would do it in these words: Start right, keep right, end right.

He is gone, but the inspiration of his life and the results of his labor will go on and on forever. To his children, Iowa and the Nation, he has left an inheritance written into statutes, outlined in policies and recorded in treaties that will endure as long as the ship of state shall sail.

"The good knight sleeps  
Where the daisies nod,  
And the clover hangs its head.  
Where the wild birds come  
And the wild bees hum,  
Alone in his lonely bed  
The good knight sleeps."

## Remarks by Mr. Harding:

MR. PRESIDENT—A Senator has died. The length of his life was 79 years, 5 months and 2 days. We gather as Legislators today to pay tribute to his memory. It is always fitting when a man dies to pause and make note of his life. History is but the record of the deeds of men. When a Senator dies it is proper that the lawmaking body put in permanent record their measure of the man. Thus they make a memorial in conformity with an ancient and honored custom.

Representative government measured by the length of time in this western hemisphere, is yet an experiment. Whether it shall endure and become permanent will depend largely on the men around whose lives events center. In our form of government the representative must be as good as those from whom power is delegated.

Responsibility is shared alike by the elector and the elected.

The mortal life of this Senator, William Boyd Allison, began March 2, 1829, in Wayne County, Ohio, and came to a close August 4, 1908, in Dubuque, Iowa.

His early life was spent on a farm and did not attract unusual attention, but gave opportunity to assume responsibility and to act on the initiative of his own mind.

In 1862 he was elected to Congress, taking his seat March 4, 1863. His service to and for the Nation was begun in the darkest and most gloomy period of her history; it came to a close in the brightest and most prosperous period of the Nation's history.

What a time! What a scene! What a tumult, in the Congress of the United States in 1863! What problems confronted that Thirty-eighth Congress! There were questions of policy, questions of expediency, and questions of finance. They were all well solved. The great Lincoln with his heart torn and bleeding because of the Nation's struggle and strife, its rebellion in the South and the people's discontent in the North, labored and thought, but not alone. From the prairie state of Iowa came a man, not especially attractive, not striking in appearance, not an orator, not boastful, not proud, not opinionated, not forward, just a man with a clean heart, a clean mind, a clear conscience, a rugged body, a strong will, and a willingness to do the task which his Nation had called him to perform. The great Lincoln sought this young man's advice and it was given, not in a spirit of boast but in a spirit of true patriotism.

When this young man entered Congress, he began to work, a habit he followed until the close of his eventful life. The world has never before and may never again witness such a long public career, or one that will deal with so many great and world-wide problems. He was in the public service forty-five years and all these years active and energetic. He never shirked a task or an opportunity, nor did he ever assume the role of a dictator.

The history of our country during his activity in public life has witnessed the passing of such great men as Lincoln, Grant, McKinley, and many others. They have come on the stage of action, played their

part, gone to the great Beyond, and had their task taken up by others. He has all this time remained influentially connected with the drudgery of public life. What of the history he has helped to make? What of the civilization he has helped to build? The world has never seen it paralleled in an equal space of time. The Republic was young and not firmly established among the nations of the world when William Boyd Allison entered public life. It was torn by internal strife and civil war, it had no monetary system, it allowed human slavery. Today the American Republic is unequalled in all the nations of the world. She settles the disputes of the other nations, she carries their commerce, she keeps them in peace, she leads them in education and invention and furnishes an example of a people, the best employed, the best fed, and the best cared for the world has ever seen. William Boyd Allison helped to make this history as a member of the Congress of the United States. His life linked the old with the new, the past with the present.

The young men of this time are not well acquainted with Allison in a public way. He was of the old school in his political life; not much given to the blare of trumpet and the sound of drum. Some, because of these facts, thought he was out of sympathy with this time and age, thought that his heart did not warm to the public call. Such was not the case. Old Allison was ever young in heart. On the day of his death I talked with a young man who related an experience of his with the old Senator on his last campaign trip through Iowa. The young man was in college and preparing for a debate. He sought a conference with the Senator and when he told what his mission was Senator Allison dismissed the politicians and gave the young man a half hour of his time and expressed very freely his opinion of the question and helped to make an outline to overcome the opponent's argument.

On March 4, 1873, after serving four terms in the House of Representatives, Mr. Allison was elected by the people of this great agricultural State to serve them and the Nation in the Senate of the United States. He was again elected in 1879, again in 1885, again in 1891, again in 1897, again in 1903, and had he lived could have been re-elected again in 1909. During the time he served the State in the United States Senate he was chairman of the Appropriations Committee of that body from 1881 to 1893 and from 1895 to 1908. During all this period, it is said, that not a dollar of public money was ever appropriated that he did not know where it was going and for what purpose. Mr. Allison was a master of finance. His legislative work, however, was not confined alone to the one subject. He made a careful study of all the great problems that the Nation has had to deal with and helped to shape the policy of the Nation in both its internal and foreign affairs.

Allison in his political affiliation was a Republican. In his work in the legislative body he rose above party and worked for the good of all the people. Members of all parties sought his advice when questions of state policy were at issue. His friends were on both sides of the Senate and they loved him because of his fair and honest treat-

ment of every subject and measure. In the last years of his official life he was called the "father of the Senate."

The side of Allison's life the least known but of the greatest interest perhaps was his home life. He was twice married. His first wife died in 1860, and his second wife in 1883. Allison was essentially a home man and believed most truly in the purity of the American home. He represented in his life that which is purest and best in social affairs. After the death of his second wife there was a shadow of gloom that filled his heart and he worked the harder in his public office that this gloom might not find lodgment.

To whom does this great Senator belong? To the people of Iowa? No, to the people of the Nation and of all time. His was an unselfish toil. His first concern was for the people of the great State of Iowa. To them he gave of his life blood, throughout his life of nearly 80 years. He was so broad in his vision, so patriotic in his endeavor, that whatever he did for the people of his State was good for the people of the Nation and for all time.

Allison's political career was peculiar in this that he was satisfied with his place in the Senate in the United States. In 1881 he was offered the Secretaryship of the Treasury by President Garfield. In 1889 President Harrison made him a similar offer and in 1897 President McKinley offered to appoint him Secretary of State. All these offers were declined, but from the time he entered Congress in 1863 until his death he was the adviser of Presidents on matters of state. His advice, his counsel and help was as eagerly sought by the young and vigorous President of to-day as by Presidents of former times. In the recent legislation enacted by the national Congress looking to the control of transportation companies and trusts he was the President's counselor and adviser and the leader of thought in both branches of Congress. He grappled with the new problems of the Twentieth Century as easily and successfully as he did with the problems of the old century.

An inspired philosopher has observed, "There is a time for all things—a time to die." Death came in the fullness of years. The harvest time was upon us when he laid down to rise no more in this mortal body. The end was peaceful, calm and serene. He died as he lived. Quietly he "wrapped the drapery of his couch about him" and entered that long journey without a murmur.

Friends from every quarter of the Republic gathered at his grave side and the Nation mourned. There was no sound or martial tread, grave men, and bright faced children gathered to do honor to his memory. The flower of tribute that was laid upon his grave was the heart beat of a grateful Nation. William Boyd Allison did not die. A Senator died. He lives, for Iowa lives and the Nation lives stronger, better, nobler, purer and more secure. Republican representative government lives and has the example of an unselfish life to spur it on to stronger and better endeavor. The people of Iowa are grateful for this life and this man, the State has been given a place in the sisterhood of states, strong and secure. Young men from Iowa will find



their place easy in the national council because of his life work and Iowa will long have greater influence thereby. The people of the Nation may forget the name of Allison, but the people of Iowa never. His name has for nearly half a century stood for honesty in public as well as private life and this, in my judgment, makes it permanent in the thought of the State and Nation. His pure character and fidelity to right principles have left their imprint upon this commonwealth and the Republic in such a way that they can never be effaced. When the roll of the Nation's truly great and good men is called there will always be the name—William Boyd Allison.

#### Remarks by Senator Saunders:

Again has that awful fiat "Dust thou art to dust return," gone forth in our midst. Death, who ever seeks a shining mark, has summoned our bravest and best, and our heads are bowed in sorrow and grief. True to the instincts of our higher and better selves, this great legislative body, which stands for and shapes the destiny of the people of Iowa, has assembled in solemn convocation to do honor and reverence to the memory of Iowa's mighty dead. In this commonwealth, where every man is the equal of every other man, the General Assembly has seldom turned from the duties of legislation to pay a tribute of respect to any departed citizen, no matter how high his rank or station, but the honor is ours to-day when we cease from our labors, obedient to a common impulse to render our hearts' tributes of love and honor to Iowa's most distinguished citizen and Senator, William Boyd Allison, who so recently entered the Boatman's bark and crossed the river to the other side. Wealth could not buy nor influence secure the session we hold this afternoon. It comes as a tribute of esteem and regard for a plain, simple, old man who had no gold clanking in coffers, nor wealth in store, but who lived for his country and countrymen and who died secure in the love and esteem not only of the two million five hundred thousand who delighted to honor him by high position in State and Nation but of the ninety millions who revered him as the great, patriotic Senator from Iowa.

He was a great and good man, but when all is said he was but a high type of the institutions that surrounded him and the ancestors that had gone before. When the Mayflower sailed for the shore of the new world, she bore within her wooden walls as precious a human cargo as the world ever knew. They had no wealth, no titles of nobility, no goods and chattels of any great moment, they were fleeing as refugees from home and native land across a storm tossed ocean to an unknown shore, an inhospitable clime, and a savage foe; one purpose alone actuated their journey and that was to secure amid the primeval woods a place where they might worship God according to the dictates of their own conscience and be free men. Next to love of God, was their love of freedom. The word "slave" was not in their vocabulary. They brought nothing to Plymouth Rock except their sterling manhood and their principles of right and justice. Amid

the snows and the cold of a Massachusetts winter they raised the standard of liberty and taught to their children the lesson that all men of right are free and that they should be equal before the law. Those principles have animated and dominated the men of New England no matter where their footsteps may have wandered; they were a part of Otis when he stood before the British Governor and denounced the writs of assistance, they were at Bunker Hill and Valley Forge and Yorktown, they animated Wendell Phillips and William Lloyd Garrison when they denounced human slavery; like invisible spirits they walked side by side with John Brown on his way to the scaffold; they struck the shackles from five million of bondmen and led the serried lines of loyal blue until they planted the flag on the shore of the Gulf and by the waters of the Rio Grande; they were written upon the battle flags of the eighty thousand brave men of Iowa when they marched away to the Southland and they are stamped to-day as indelibly upon the statute books of Iowa as upon the flags in yonder chamber.

The men of Massachusetts in time swept over the western border and across the states of New York and Pennsylvania into Ohio. In this new Western State they cleared the forests and raised their cabins. By the dim light of their fireplaces they told their children the story of liberty and what it had cost in privation, sorrow and blood. At the close of the Revolutionary war, a sturdy Scotch-Irish emigrant of splendid stock settled in Pennsylvania. He, too, belonged to a race that had sent its martyrs to the scaffold for conscience sake and that had been hunted amid the lochs and valleys of Scotland by the minions of tyrants. To this emigrant, in the year of 1798, was born a son, John Allison, who in his young manhood moved to Wayne County, Ohio. Like all who settled in Ohio at that date he was poor. In his humble home, on the second day of March, 1829, William B. Allison first saw the light of day. In the log cabin schools of that new State he acquired a common school education, and, what was equally important, learned to love the principles of Scotland and Plymouth Rock. Two years in college was added to his stock of learning and then he studied and essayed the practice of the law, commencing at Ashland in the year 1852. In the year 1857, attracted by the stories of the newer West, he moved to Dubuque where he dwelt until his friends and neighbors gently and tenderly laid him away—amid the scenes he had loved so well.

Imbued as Allison was by his love of justice, and actuated by his high sense of public duty which ever characterized the man, he soon entered actively into public affairs. At that time slavery was raising its insolent head in the Halls of Congress. Kansas was cursed with border ruffians and the Supreme Court of the United States had held that it was the duty of the courts of all the States to return the slave to his driver and give the slave master safe conduct to his home. Iowa, whose institutions were laid broad and deep in the principles of New England, was soon aroused as never before. She felt and her people proclaimed that no constitution of human fabrication could take away from any man the

right that God gave him to be free. To the vindication of those principles her people gave of their time and treasure, and in the forefront of this struggle stood young Allison. In 1860 we find him seated as a delegate in the Wigwam at Chicago, where was nominated the immortal Lincoln. From that convention emanated a platform that was the trumpet call of duty, and to it Allison responded. The war clouds lowered and at last broke in an awful deluge of civil strife and battle. In those troubled days of '61 Iowa, though rich in splendid manhood and civic virtue, was poor in purse and weak in credit. A savage foe threatened her west and northern borders, and her southern counties were constantly menaced by the armed forces of rebellion. Without money and without arms, Governor Kirkwood sought to raise and arm troops by pledging his private fortune many times over and by calling to his assistance brave, patriotic young men, among them Allison. Four regiments were soon recruited by him as an aide of Governor Kirkwood, but the zeal of youth soon exhausted a splendid physique, and for one year he was unable to work. But the lion could not brook restraint, and his voice was soon calling the patriotic citizens of Iowa to the defense of the Nation. Eighty regiments of Iowa soldiers went to the front, and ten of them were recruited through Allison's efforts. Is it any wonder that Kirkwood in that summer of 1862 asked him to join that bright galaxy of Congressmen from Iowa composed of James F. Wilson, Hiram Price, J. B. Grinnell, John A. Kasson and A. W. Hubbard? In the fall campaign of 1862 Allison saw the injustice that would come to the Union soldier fighting in the field and deprived of his vote, while the foe in the rear remained at home and exercised the right of suffrage. At his suggestion Kirkwood convened the Legislature in extra session and the soldier in the field was given an opportunity to vote as he was shooting. Other States followed the example of Iowa, and soon nearly the whole Union forces were registering their ballots for the preservation of the Union. In 1864 more than a million of men were in arms, and nearly all cast their votes for Lincoln. Without this vote Lincoln might have failed of election and the war been given a different conclusion.

From March 4, 1863, to March 4, 1871—a period of eight years—Allison served in the House of Representatives. And what fateful years they were! Lee swept up through the fields of Maryland into Pennsylvania and then recoiled from the bloody slopes of Gettysburg. Grant, with his gallant Western men, saw the proud flag of the Confederacy fall at Vicksburg and the Mississippi “flow unvexed to the sea.” In those years the soldiers of the Union planted the flag on Lookout's heights, Sherman with that peerless army marched to the sea and the nation saw the glorious morn of Appomattox. Lincoln fell just as the laurels of peace were to be placed upon his brow, and joined his “boys” who had fallen in defense of their country. Allison served through the trying period of reconstruction and voted against the impeachment of Andrew Johnson. Though severely criticised, time has done him justice and today there are few who wish that vote had been registered otherwise.

His services in the House won for him distinction, and soon he was known as one of the working members. To the discharge of every duty

he brought an honest heart and thereby gained the confidence and esteem of his associates. He it was who devised the commission plan of government for the District of Columbia. This system has since been adopted by other cities and is now known as the Galveston or Des Moines plan. An improved system of collecting the public's revenue was also the product of his fertile brain, and its use has continued to this hour without serious suggestion of repeal. This honorable career of eight years closed leaving him the friend of all and beloved by his State.

On the 4th of March, 1873, he entered the Senate of the United States, where he served for more than thirty-five years—a longer term of continuous service than that vouchsafed to any other person in the history of the Nation. The years came and went, ever presenting their new and complicated problems, but Allison was, *facile princeps*, a leader. Never aggressive, in the offensive sense of the term, he was ever safe and true to his convictions of duty. The tongue of slander rarely sought him for a victim of its malice, and the smell of fire was never upon his garments. For more than twenty years he served upon the Appropriations Committee, and most of that time he was its Chairman. During that period it recommended appropriations amounting to many billions of dollars, yet when he died his estate scheduled less than one hundred thousand dollars, and most of that came from his wife. How the blush of shame should mantle the cheek of those who were his traducers. In his early history in Congress he gave his support to a measure because it was, as he believed, calculated to prove of great public benefit. After its passage a block of stock was sent him by a corporation that profited through the legislation. He promptly returned it with the suggestion that he could accept no compensation where he had acted for the public welfare. Allison was too modest to tell the story, and it came to the knowledge of a few through his associates in legislation. He was not of that breed of statesmen who stand in the public places proclaiming their many virtues. To mold legislation was all the reward he sought. The Almighty made him childless that he might live for his country alone, and after the tragic death of his wife in 1883 those who were nearest to him knew that in his heart of hearts he had determined to consecrate the remaining years of his life to the service of his country.

During the later years of his service in the Senate his position was almost ideal and unlike that ever enjoyed by any other member of the Senate in all the years of its history. His high character and unselfish devotion to the public had won the confidence of all and the dislike of none. When the storms of debate and partisan passion swept over the Senate Allison stood unmoved, and it was ever his hand that guided when all others had failed. "Let Allison fix the matter" became a common expression among his associates, and the recitation of that term is the highest encomium that we can pay to him at this hour. A safe repository of the secrets of faction, party and state made him the confidant of all, and he was the trusted adviser of every President from Lincoln to Roosevelt. Few great measures passed the Senate in the last twenty-five years that did not bear the impress of his labors. The Bland-Allison Act demonstrated his ability as a financier, and all conceded to

him a greater knowledge of public expenditures than any other man of his time. He dwelt in the plain, unpretentious Grimes homestead at Washington, surrounded by his books and faithful friends who delighted to sit at his feet to catch the words of wisdom that fell from his lips. The carriages of cabinet ministers and diplomats seeking his advice were a familiar sight at his door, and none departed without feeling that he had listened to the words of a master who knew the world's problems and who helped to bear its burdens. One remarkable characteristic of Allison was his ability to draw all men to him. In the Senate of the United States party lines are closely drawn and party bitternesses are often engendered, but Allison ever enjoyed the confidence of those who were not of his political faith. A friend of mine a few months since rode for a half day in the company of Senator Tillman of South Carolina, and the distinguished Senator devoted nearly the whole time to a dissertation upon the many virtues of Senator Allison.

His knowledge of public affairs was so great that his judgment became almost intuition. Three times was he tendered a Cabinet portfolio as Secretary of the Treasury, and once was he so near to the White House that only the prejudice of a disappointed candidate deprived him of the position. He, however, did not need the Presidency to make him great and to give him a place in history. The statutes of his country are his monument and the storms of time cannot destroy the influence that he exerted nor sweep away the good he has done.

Iowa mourns today for the Sage of Dubuque, her great Senator who has passed to the majority, but amid her sorrow she rejoices because he wore for more than thirty-five years, with honor to her, the Senatorial toga she placed about him; she rejoices because at the end of life he sleeps in her sacred soil and among her grateful children. Like the majestic river, bluff and forest crowned, that washes her eastern border, the influence of his life will flow on and on, a blessing to all mankind.

Hambleton of Mahaska moved that the Joint Session now dissolve.

Motion prevailed and the Joint Session dissolved.

The Senate returned from joint session.

By unanimous consent the proceedings of the joint session were ordered printed in the journal.

Senator Newberry moved that Senate adjourn until 10 o'clock a. m. tomorrow.

Carried.

Senate adjourned.

## JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, Wednesday, September 9, 1908.

Senate met in regular session at 10 o'clock a. m. President Garst presiding.

Prayer was offered by the Rev. E. B. Utt of Des Moines, Iowa.

The hour having arrived for the Special Order, Senate took up for consideration Senate File 1.

The bill was read for information.

Senator Gilliland moved the adoption of the following amendment:

I move to amend paragraph "C" by striking out the period at the end of said paragraph, inserting a semi-colon in lieu thereof and adding thereto the following: "provided that no person shall receive a primary ballot who participated in the last preceding primary election of any other political party as shown by his enrollment."

Adopted.

Senator Saunders moved the adoption of the following amendment:

I move to amend by striking out the word "general" before the word "sympathy" in the fourth line of the second paragraph of sub-head "C" as the same appears in the Senate Journal of September 8th on page 36.

Senator DeArmand was called to the chair at 10:40 o'clock.

On adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Allen, Bleakly, Bruce, Clark, Elerick, Ericson, Gale, Jamison of Clarke, Jones, Kinne, McKlveen, Mattes, Maytag, Nichols, Saunders, Seeley, Stuckslager—17.

The nays were:

Burgess, DeArmand, DeWolf, Dowell, Dunham, Eckles, Foley, Frudden, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Kimmel, Lambert, McManus, Moon, Newberry, Peterson, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young—32.

Absent or not voting—none.

So the amendment was lost.

Senator Dunham moved the adoption of the following amendment:

I move to amend by striking out all of lines thirty-one (31) to forty-six (46), inclusive, including all contained in Par. "C" in said Bill, and all of lines fifty-six (56) to sixty-one (61), inclusive, from the printed Bill, and insert in said Bill in lieu thereof the following:

"(C) That each voter who desires to participate in such primary election shall, upon demand by him, and upon his announcement that he is affiliated with the party in whose Senatorial nomination he desires to participate, and subject to the condition of challenge as now provided by primary election law, receive one of said primary ballots from the Judges of Election, and shall be permitted to mark and cast the same in the manner provided by law governing elections as amended by this Act. That said primary ballot shall be prepared with adhesive gum upon the same, so that the voter may be enabled to attach the same to his official ballot. That any such voter who desires to vote upon said primary ballot shall be permitted to do so by marking his ballot as provided by law governing primary elections, but shall, in the voting booth, attach his primary ballot to the said official ballot to be cast by him. Said primary ballots shall be counted, canvassed and returned by the Judges of said election in the same manner as provided in the law governing primary elections as far as applicable.

Provided, that no such primary ballot shall be counted for the nomination of Senator unless the official ballot attached thereto shall show that

the voter has voted the party ticket of the party in which said vacancy shall have occurred; and that for the purpose of determining whether the said voter has voted such party ticket it must appear therefrom that such voter has cast his ballot for at least a majority of the nominees for Presidential Elector, if there be any of said party, upon the said ballot, and also for at least a majority of the nominees of such party for the various State offices, and also for the nominees of such party for Representative and Senator, if any, in the General Assembly. And should such official ballot fail to show that the voter has voted the party ballot of the said party as herein defined, said primary ballot shall not be counted for said office of Senator."

And that when so amended the following lines and paragraphs of the Bill shall be renumbered and relettered to correspond.

Senator Young moved that when we adjourn it be until 10 o'clock a. m. tomorrow.

Senator Dunham moved to amend by changing the time from 10 o'clock a. m. tomorrow to 2 o'clock this afternoon.

The amendment carried.

The motion as amended carried.

The President resumed the chair at 11:40 o'clock.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill, in which the concurrence of the Senate is asked:

House File No. 1, a bill for an Act to amend the law as it appears in Chapter Fifty-one of the Acts of the Thirty-second General Assembly, relating to the expression of choice of candidates for Senator in the Congress of the United States.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Bruce offered the following concurrent resolution which was laid over under the rules.

Concurrent resolution fixing time for final adjournment.

WHEREAS, We believe that the remaining uncompleted business of this special session of this General Assembly can and ought to be accomplished and completed in a brief season of time, therefore be it



*Resolved, by the Senate, the House concurring,* That this General Assembly do adjourn sine die at noon, 12 o'clock m., on Friday, September 11, 1908.

## PETITIONS AND MEMORIALS.

Senator Burgess presented petition of constituents approving the form of procedure in calling a caucus of the republican members of the General Assembly for the purpose of nominating a republican candidate for United States Senator to fill vacancy.

Referred to committee on election.

Senator Dowell offered the following resolution and moved its adoption:

WHEREAS, Honorable Phineas M. Casady, who was at one time an honored member of the Senate of the Second and Third General Assemblies of Iowa, died at his home in Des Moines, Iowa, on the 31st day of August, 1908; therefore.

*Be It Resolved,* That a committee of three members of the Senate be named to prepare suitable resolutions commemorating his life and public services to the State.

Adopted.

The President announced as such committee Senators Dowell, Jackson, McMannus.

A committee from the House appeared and announced that the House was ready to receive the Senate in joint session.

The President announced that the Senate would proceed to the House under the direction of the Sergeant-at-arms.

Senate proceeded to the House.

## JOINT CONVENTION.

Joint convention was called to order by Lieutenant Governor Garst, President of the joint convention at 12 o'clock noon.

The roll call disclosed the following members of the Senate and House in their seats.

Allen, Allred, Anderson, Arney, Baird, Balluff, Bascom, Bauman, Beery, Bixby, Blackmore, Bleakly, Bonwell, Brandes, Bruce,

Burgess, Calkins, Cassady, Clarke, Clark, Clary, Conn, Corrie, Cottrell, Darrah, DeArmand, DeMar, Dewell, DeWolf, Dodds, Doran, Dow, Dowell, Drury, Dunn, Dunham, Dye of Decatur, Dye of Pottawattamie, Earle, Eckles, Elerick, Elliott, Ericson, Feay, Feely, Felt, Fenn, Flugum, Foley, Fox, Frudden, Gale, Geneva, Gilliland, Greenwood, Grier, Hackler, Hambleton, Hanna, Hanson, Harding, Harvey, Heles, Holmes, Hopkins, Hughes, Hume, Inman, Jackson, Jamison of Clarke, Jamieson of Page, Jewell, Jones of Mahaska, Jones of Montgomery, Kelley, Kellogg, Kendall, Kimmel, Kinne, Koontz, Kull, Lambert, Lee, Lister, Lowrey, McAllister, McDonald, McElrath, McKlveen, McManus, Maben, Mann, Marston, Mason, Mattes, Maytag, Mercer, Meredith, Miller of Bremer, Miller of Dubuque, Moon, Moore, Morris, Newberry, Nichols, Nix, Offill, Paul, Peterson, Pierce, Price, Reaney, Reitz, Ritter, Saunders, Schoenenberger, Schroeder, Schulte, Seeley, Shaffer, Sheldon, Sidey, Smith of Des Moines, Smith of Mitchell, Smith of Wright, Sparks, Springer, Stewart, Stillman, Stirten, Stoltenberg, Stookey, Stuckslager, Sullivan, Swan, Swift, Taylor, Teter, Turner, Van Houten, Wade, Warren, Webster, Weeks, Welden, Whipple, Whiting, White, Wilson of Tama, Wilson of Fayette, Wilson of Clinton, Wolfe, Youde, Young, Mr. Speaker—155.

President Garst declared the joint convention duly organized, with a quorum of members present.

The Chief Clerk of the House then proceeded to read that part of the Journal of the House for Tuesday, September 8, 1908, pertaining to the vote for United States Senator in Congress.

The Secretary of the Senate then proceeded to read that part of the Journal of the Senate for Tuesday, September 8, 1908, pertaining to the vote for United States Senator in Congress.

From the reading of the Journals, it appeared that on Tuesday, September 8, 1908, the Senate and House of Representatives balloted separately for United States Senator in Congress, with the following result:

IN THE SENATE.

Albert B. Cummins received—21.

Claude R. Porter received—14.

Walter I. Smith received—4.

Joseph R. Lane received—4.  
Frank D. Jackson received—3.  
William Larrabee received—1.  
George D. Perkins received—1.  
Warren Garst received—1.

## IN THE HOUSE.

Albert B. Cummins received—43.  
Claude R. Porter received—31.  
Walter I. Smith received—12.  
A. B. Funk received—5.  
John F. Lacey received—2.  
W. P. Hepburn received—2.  
Geo. W. Clarke received—1.  
G. N. Haugen received—1.  
Albert F. Dawson received—1.  
James H. Trewin received—1.  
Geo. D. Perkins received—1.  
Joseph R. Lane received—1.  
Wm. Larrabee received—1.  
A. J. Baker received—1.

Senator Smith of Mitchell in nominating Albert B. Cummins said: Speaking in the name of the Republicans of the Thirty-second General Assembly meeting in a regularly called caucus held September 4th, I desire to place in nomination as a candidate for election to the office of Senator in the Congress of the United States the nominee of such caucus, our Governor, the Hon. A. B. Cummins.

Senator Gilliland nominated Walter I. Smith for Senator in Congress of the United States.

Senator Lambert nominated Claude R. Porter for Senator in Congress of the United States.

Roll call ordered by the President.

Those voting for Albert B. Cummins were:

Allen, Anderson, Arney, Bascom, Blackmore, Bonwell, Bruce, Burgess, Clark of Poweshiek, Conn, Corrie, Darrah, Doran, Dowell, Drury, Eckles, Ericson, Feely, Felt, Fenn, Flugum, Grier,

Hackler, Hanson, Holmes, Hopkins, Hughes, Hume, Jewell, Jones, of Montgomery, Kelley, Kimmel, Kinne, Lee, Lister, Lowery, Maben, Marston, Mason, Mattes, Maytag, Mercer, Meredith, Morris, Newberry, Peterson, Saunders, Shaffer, Smith of Mitchell, Smith of Wright, Stillman, Stoltenberg, Sullivan, Teter, Turner, Van Houten, Warren, Webster, Weeks, Welden, White, Wilson of Tama, Wilson of Fayette, Youde, Young. Mr. Speaker—66.

Those voting for Claude R. Porter were:

Baird, Balluff, Bauman, Calkins, Clarke of Jefferson, Clary, Cottrell, DeArmand, DeMar, DeWolf, Dodds, Earle, Feay, Foley, Frudden, Geneva, Heles, Jamieson of Page, Kendall of Clinton, Koontz, Kull, Lambert, McDonald, McManus, Miller of Bremer, Miller of Dubuque, Moon, Pierce, Price, Reitz, Ritter, Schoenenberger, Schroeder, Schulte, Sidey, Smith of Des Moines, Sparks, Springer, Stewart, Stirton, Swift, Taylor, Wade, Whiting, Wilson of Clinton, Wolfe—46.

Those voting for Walter I. Smith were:

Bixby, Brandes, Cassady, Dewell, Dunn, Dunham, Dye of Decatur, Dye of Pottawattamie, Elerick, Elliott, Gilliland, Greenwood, Hanna, Kellogg, McAllister, McKlveen, Moore, Nix, Sheldon, Stookey—20.

Those voting for A. B. Funk were:

Allred, Harding, Harvey, Inman—4.

Those voting for Joseph R. Lane were: Jamison of Clarke, Stuckslager, Whipple—3.

Those voting for John F. Lacey were: Hambleton, Jones of Mahaska, Offill—3.

Those voting for Warren Garst were: Beery, Seeley--2.

Those voting for G. W. Clarke were: Dow, Fox—2.

Those voting for George M. Curtis were: Bleakly, Nichols—2.  
—2.

Those voting for George M. Curtis were: Beakly, Nichols—2.

Those voting for Wm. Larrabee were: Gale, Reaney—2.

Those voting for F. D. Jackson were: Paul—1.

Those voting for A. J. Baker were: Swan—1.

Those voting for W. P. Hepburn were: Mann—1.

The President announced that no candidate had received a majority of all the votes cast by the joint convention for the office of Senator in the Congress of the United States.

On motion of Senator Dunham of Delaware the Joint convention adjourned.

The Senate returned from joint session.

Senator Ericson moved that the Senate do now adjourn.

Carried.

Senate adjourned.

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#### AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock p. m. President Garst presiding.

Senate resumed consideration of Senate File No. 1.

Senator Newberry was called to the chair at 2:15 o'clock.

On the amendment offered by Senator Dunham a roll call was demanded.

The yeas were:

Bleakly, Bruce, Dunham, Elerick, Gale, Gilliland, Jackson, Jamison of Clarke, Jones, McKlveen, Nichols, Saunders, Stookey—13.

The nays were:

Allen, Burgess, Clark, DeArmand, DeWolf, Dowell, Eckles, Ericson, Foley, Frudden, Hopkins, Hughes, Jamieson of Page, Kimmel, Kinne, Lambert, McManus, Mattes, Maytag, Moon, Newberry, Peterson, Seeley, Smith of Des Moines, Smith of Mitchell, Stirton, Stuckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young—36.

Absent or not voting—none.

So the amendment was lost.

EXPLANATION OF VOTE.

While I am not opposed to Senator Dunham's amendment, I am especially anxious that we pass some kind of a primary bill at this session, and if this amendment were passed I fear it would arouse further division and endanger the passage of any kind of a primary bill at this session.

W. B. SEELEY.

HOUSE MESSAGE CONSIDERED.

House File No. 1, a bill for an act to amend the law as it appears in Chapter Fifty-one of the act of the Thirty-second General Assembly relating to the expression of choice of candidate for Senator in the Congress of the United States.

Read first and second time and taken up for consideration.

Senator Hughes moved that House File No. 1 be substituted for Senate File No. 1.

Carried.

The bill was read for information.

Senator Bruce moved the adoption of the following amendment:

Amend by striking out period and inserting after the word "assembly" in last line of paragraph "G" as follows:

Provided, however, that no member of the General Assembly shall be under any obligation to vote in the General Assembly for the election of any such nominee of his party for United States Senator unless such nominee has received not less than thirty-five per centum of all the votes cast for the head of the State ticket in the State by the political party nominating such candidate.

On the adoption of the amendment a roll call was demanded.

By consent of the Senate, Senator Bruce withdrew the amendment offered by him.

Senator Gilliland moved the adoption of the following amendment.

I move to strike out paragraph "E" and substitute the following:

"(E) The names of the members of the party voting at said primary election shall be recorded in the poll books in columns separate and apart from the list of those voting at the general election."

Senator Dowell moved the previous question on the amendment and the bill.

Carried.

The amendment was lost.

The President resumed the chair at 3:50 o'clock.

Senator Peterson moved that the rule be suspended, the reading just had be considered the third reading and the bill placed upon its passage.

Carried.

On the question, Shall the bill pass:

The yeas were:

Allen, Bleakly, Burgess, Clark, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frudden, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Jamison of Clarke, Kimmel, Kinne, Lambert, McKlveen, McManus, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey, Stuckslager, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young—45.

The nays were:

Bruce, DeArmand, Jones, Taylor—4.

Absent or not voting—none.

Senator Peterson moved the adoption of the following amendment to the title of the bill.

Amend the title by inserting after the word "the" as it appears the second time in the second line, the words, "holding of party primary elections for the."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended, agreed to.

#### EXPLANATION OF VOTE.

I am in favor of an amendment to the primary law which will prevent a member of one party from helping to nominate a candidate of the opposition party. The present amendment I do not believe will do so.

N. G. JONES.

In my judgment the pending primary bill would be unfair and unjust in its operation and results to a large per cent of our people. I therefore vote "No."

JAS. E. BRUCE.

Senator Jamison of Clark offered the following concurrent resolution which was laid over under the rules.

#### CONCURRENT RESOLUTION.

WHEREAS, The Thirty-second General Assembly has been called under special proclamation by the Governor of Iowa for the purpose of so amending the primary law that the people may again express their preference at a primary election for Senator of the United States for the term commencing March 4, 1909; and,

WHEREAS, This special session of the General Assembly has the power to elect the United States Senator to fill the unexpired term of which the late Senator Allison had been elected; and,

WHEREAS, The Governor has instructed the Legislature by message and by proclamation that a very large portion of the voters of the State of Iowa are in favor of submitting these questions to the popular vote of the people; and,

WHEREAS, It is believed that it is just as important to permit the voters of the Republican party of Iowa to have a choice in selecting the United States Senator for the short term as for the long term; therefore be it

*Resolved by the Senate, the House concurring,* That this General Assembly do adjourn on Friday, September 11, 1908, at 2 o'clock p. m., to meet again in regular session at 10 o'clock a. m. on November 10, 1908, at which time it may select a United States Senator to fill the unexpired



term of the late Senator Allison, after having given the voters, under the proposed amendment of the primary law, a chance to select such Senator.

Senator Turner moved that the Senate do now adjourn until 11 o'clock a. m. tomorrow.

Carried.

Senate adjourned.

## JOURNAL OF THE SENATE

SENATE CHAMBER, DES MOINES, IOWA,  
THURSDAY, SEPTEMBER 10, 1908.

Senate met in regular session at 11 o'clock a. m., President Garst presiding.

Prayer was offered by the Reverend C. W. Sweet of Des Moines, Iowa.

The President announced as Committee on Enrolled Bills, Senators Seeley, Turner and Moon.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT: Your Committee on Appropriations, to whom was referred Senate File No. 3, a bill for an act providing for the publication and distribution of the Acts and Journals of the Extraordinary Session of the Thirty-second General Assembly, beg leave to report that they have had the same under consideration and recommend the same be amended as follows:

By striking out Section 2 and substituting the following:

SEC. 2. That two thousand copies of each of the completed Senate and House Journals of the Extraordinary Session of the Thirty-second General Assembly be printed, five hundred copies of which shall be bound in board and fifteen hundred copies bound in paper covers. Said Journals shall be indexed and distributed as provided in Sections 130, 131 and 140 of the Code. The State Binder shall be paid ten cents each for the copies bound in board and shall be paid for folding, stitching and binding the fifteen hundred copies in paper covers in accordance with the schedule of prices in Sub-division 3 of Section 141 of the 1907 Supplement to the Code.

And when so amended the bill do pass.

F. L. MAYTAG,  
*Chairman.*

Adopted.

## THIRD READING OF BILLS.

By unanimous consent Senate File No. 3, a bill for an act providing for the publication and distribution of the Acts and Journals of the Extraordinary Session of the Thirty-second General Assembly, with report of committee recommending passage as amended, was taken up and considered.

Senator Lambert moved the adoption of the following amendment:

By striking out Section 2 and substituting the following:

SEC. 2. That two thousand copies of each of the completed Senate and House Journals of the Extraordinary Session of the Thirty-second General Assembly be printed, five hundred copies of which shall be bound in board and fifteen hundred copies bound in paper covers. Said Journals shall be indexed and distributed as provided in Sections 130, 131 and 140 of the Code. The State Binder shall be paid ten cents each for the copies bound in board and shall be paid for folding, stitching and binding the fifteen hundred copies in paper covers in accordance with the schedule of prices in Sub-division 3 of Section 141 of the 1907 Supplement to the Code.

Adopted.

The bill was read for information.

Senator Lambert moved that the rule be suspended, the bill be considered engrossed and the reading just had be considered the third reading.

Carried.

On the question, "Shall the bill pass?"

The yeas were:

Senators Allen, Bleakly, Bruce, Burgess, DeArmand, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frudden, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Jamison of Clarke, Jones, Kimmel, Kinne, Lambert, McKlveen, McManus, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Saunders, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey, Stuckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson, of Fayette, Wilson of Clinton, Young—47.

The nays were :

None.

Absent or not voting :

Senators Clark, Seeley—2.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Maytag moved that when the Senate adjourn it be until 3 o'clock this afternoon.

Carried.

Senator Peterson filed the following motion to reconsider :

I move to reconsider the vote by which the primary election bill, being House File No. 1, passed the Senate.

By unanimous consent the motion to reconsider was taken up for consideration.

On the motion to reconsider a roll call was demanded.

On the question, "Shall the motion to reconsider prevail?"

The yeas were :

Senators Allen, Bleakly, Bruce, Burgess, DeArmand, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frudden, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Jamison of Clarke, Jones, Kimmel, Kinne, Lambert, McKlveen, McManus, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey, Stuckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Clinton, Young—48.

The nays were :

None.

Absent or not voting:

Senator Clark—1.

So the motion prevailed.

Senator Peterson moved to reconsider the vote by which the bill passed to its third reading.

Carried.

Senator Peterson moved the adoption of the following amendment:

I move to amend by numbering "Section 2" of the bill "Section 3" and by inserting immediately before Section 3, and after the period at the end of Sub-division "I" of the bill, the following:

SECTION 2. The provisions of this act shall apply to any vacancy now existing in the candidacy of any party for the office of Senator in the Congress of the United States, as well as to any vacancy that may hereafter occur as set forth in Section One (1) hereof.

Adopted.

The bill as amended was read for information.

Senator Peterson moved that the rule be suspended and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The yeas were:

Senators Allen, Bleakly, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frudden, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamieson of Page, Jamison of Clarke, Kimmel, Kinne, McKlveen, McManus, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Seeley, Smith of Des Moines, Smith of Mitchell, Stirton, Stookey, Stuckslager, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young—41.

The nays were:

Senators Burgess, DeArmand—2.

Absent or not voting:

Senators Bruce, Clark, Jones, Lambert, Saunders, Taylor—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Jamison of Clarke, from the joint committee appointed to draft suitable resolutions on the life, character and public service of Honorable Mark A. Dashiell, submitted the following report:

#### RESOLUTION OF RESPECT.

MR. PRESIDENT: Your committee appointed on the part of the Senate to draft suitable resolutions on the life, character and public services of the Honorable Mark A. Dashiell of Indianola, Warren County, Iowa, respectfully submit the following report:

Mark A. Dashiell was born at Moore's Hill, Dearborn County, Indiana, October 7, 1826, and was one of a family of fifteen children. Two brothers surviving him. Doctor Dashiell graduated from Indianapolis High School and finally from the Medical College of Indianapolis, and practiced medicine two years in his native county. He moved to Iowa in 1853, locating at Hartford, Warren County. He was united in marriage to Miss Louisiana Noble, daughter of Doctor S. F. Noble of Indianapolis. Doctor Dashiell left surviving him his wife and two daughters, Mrs. Suel J. Spaulding of Des Moines and Mrs. S. F. Burberry of Indianola, Iowa. He was a member of the Presbyterian Church at Hartford in his early life, and later of the Presbyterian Church of Indianola, of which church he was a liberal supporter and faithful member at the time of his death. Dr. Dashiell resided in Warren County for more than fifty years, practicing medicine the entire time. He had held many places of public trust and honor, having been a member of the Board of Pension Examiners since 1863 and was appointed by Abraham Lincoln. He was active in political life. Men of all parties loved and honored him regardless of his political faith. He had served as Representative in the Twelfth General Assembly, and in 1872 was elected to the State Senate, serving four years, and was re-elected in 1878 for a second term. He was again called upon to represent his county in the House of Representatives in the Thirtieth and Thirty-first General Assemblies. He was always trusted and honored by his fellow lawmakers, was placed on important committees and was Chairman of the committee which presented the prohibition amendment to the Legislature. During his public life he had served for ten years as a trustee of the State Industrial Schools, which he was largely instrumental in establishing. He was a prominent member of the Pioneer Law Makers' Association, besides being a trusted public servant, for which he had obtained the highest respect and esteem of his fellow citizens. He was a good private citizen,

clean and trustworthy, and his private life was above reproach. He departed this life July 3, 1907.

*Resolved, by the Senate,* That we owe to the late Doctor Mark A. Dashiell a debt of gratitude for the public services and trust that he has performed to the State which can never be paid, and that in the death of this patriotic citizen the State has lost an honorable, influential and upright man.

*Resolved further,* That these resolutions be entered upon the Journal of the House and Senate and that an engrossed copy be presented to the family of the deceased by the Secretary.

JAS. H. JAMISON,  
C. J. A. ERICSON,  
*Committee of the Senate.*

CLINT L. PRICE,  
E. W. WEEKS,  
G. H. VAN HOUTEN,  
*Committee on the part of the House.*

Senator Jamison of Clarke moved the adoption of the resolution and spoke as follows:

MR. PRESIDENT AND SENATORS: It is but fitting at this time that we should pause a moment to do honor to our departed friend and statesman. The subject of this resolution had his life so intermingled with public affairs of this State in relation to legislative matters that it would be impossible to write a correct history of the early legislation of Iowa and leave his name out. The Honorable Mark A. Dashiell, who departed this life in July, 1907, was a member of the Twelfth General Assembly of the State of Iowa and in 1872 was elected to this Senate, serving four years, and re-elected in 1878 for a second term. He had served in his native town as United States Pension Examiner since the year 1863, having received his appointment from the immortal Lincoln. In politics he was a Republican, but his true manhood, great integrity and his close devotion to public duties had made him the friend of all political parties, and was esteemed and respected by all mankind. He was a member of the Pioneer Law Makers' Association and had been honored and trusted by his fellow men in both public and private life. He was wise, judicious and generous to all. His political career ended prior to his death. The State has lost a noble man, a valuable citizen and a true patriot. While this noble man has left us, his memory will be cherished by those who knew him and loved him for years to come.

Senator Ericson spoke as follows:

MR. PRESIDENT AND SENATORS: I wish to indorse what Senator Jamison has said in relation to the public life and services of the late Senator Dashiell. We were both members of the Fourteenth, Thirtieth and Thirty-first General Assemblies. I learned to honor and respect him in

our intercourse during these legislative sessions. I did not know him at his home as his neighbors and constituents knew him. But that he was popular at his home and with his people is shown by his election to represent them in the General Assembly five terms.

He was a man of a bright mind and industrious in the discharge of his duties as a Legislator. His work upon the Committee of Public Health, being an experienced physician, was especially valuable to the State. Personally, I am glad and feel honored to have known him as my friend and associate in the General Assembly of Iowa.

The resolutions were adopted unanimously by a rising vote.

Senator Gilliland moved that the remarks made by Senators Jamison of Clarke and Ericson be printed in the Journal. Carried.

Senator Dowell, from the committee appointed to draft suitable resolutions on the life, character and public services of the late Judge Phineas M. Casady, submitted the following report:

MR. PRESIDENT: Your committee appointed to draft suitable resolutions on the life, character and public service of the late Judge Phineas M. Casady of Des Moines, Iowa, would respectfully submit the following report and resolutions:

WHEREAS, An all-wise Providence called unto himself on August 31, 1908, his aged servant at ninety years, Honorable Phineas M. Casady of Des Moines, Iowa, who was an honored member of this Senate in the Second and Third General Assemblies, therefore be it

*Resolved*, That this body, recognizing the eminent and valuable services of the deceased in the formative period of our State, and realizing that he did much as a Legislator and Judge and contributed much in the commercial world to place her in her high position that she now occupies in the sisterhood of States.

*Resolved*, That in the death of Judge Phineas M. Casady we are called upon to mourn the loss of an able, efficient and conscientious citizen, one who sought and devoted himself to the good of all, honored by all who knew him—and that statewide—a kind neighbor, a loving husband and father. In remembrance, therefore, we extol and revere the splendid qualities of his generous heart, noble mind, the high attributes that he showed as an ideal American citizen and we shall ever cherish the recollections of his manly life.

*Resolved*, That this body extend to the aged, sorrowing wife and to the family our sincere sympathy and respect.

*Resolved*, That these resolutions be printed in the Senate Journal and the Secretary is hereby instructed to mail an engrossed copy of the same to the widow of the deceased.

C. C. DOWELL,  
E. P. McMANUS,  
JOHN H. JACKSON,  
*Committee.*



Senator Dowell moved the adoption of the resolution and spoke as follows:

MR. PRESIDENT: Honorable Phineas M. Casady was born December 3, 1818, on a farm near Connersville, Indiana, where he spent his boyhood days. He acquired by strenuous efforts a liberal education such as the country and time afforded and became strong as a profound reader and thinker.

He was admitted to the bar February 16, 1841. Appointed Deputy Clerk of Courts of Rush County in 1842 and held this position until the summer of 1846.

June 11, 1846, he arrived at Des Moines, casting his lot among our people, and put out his sign as attorney and counselor at law and had as partners Hon. Robert L. Tidrick, General M. M. Crocker (Iowa's brave General) and Jefferson S. Polk, who later was President of the Des Moines street railway system.

He was the second Postmaster of Des Moines, 1847-1848. Elected Senator in 1848 and member of the Second and Third General Assemblies, comprising the district composed of Polk, Dallas, Jasper and Marion Counties and also all of the unorganized region north to Minnesota and west to the Missouri River.

#### FORMATIVE PERIOD.

He was Chairman of a committee on unorganized territory, and all this unorganized territory was made into counties and was given the names principally of the Presidents of the United States and of our Indian tribes, and names of their chiefs.

Also aided in originating the movement which served to make Des Moines the capital of Iowa.

He participated in and enjoyed the distinction of voting to elect two United States Senators, Augustus C. Dodge and George W. Jones, at the same session.

He was of the number who in 1850 memorialized our State Legislature and Congress to enact such a land grant as would encourage the construction of a steam railroad to the Missouri River, from which resulted that four trunk lines were built through Iowa. The members of the General Assembly thereby having better facilities of transportation than our pioneer Legislators did when it took eleven days by stage to go from Des Moines to Iowa City, then the capital of Iowa.

In 1847 he was elected School Fund Commissioner.

In 1854 he was elected Judge of the Fifth Judicial District and resigned the same year and was appointed Receiver of Public Moneys by President Pierce. Said position he held until 1857, and he again resumed his practice of law and continued so to do until 1864, when he retired to attend to private interests and later organized the Des Moines Savings Bank, which became one of the soundest and most reliable of financial institutions of the West.

He was also President of the Equitable Life Insurance Company of Iowa for six years.

He was also a member of the commission that prepared, in connection with Lamp P. Sherman, brother of General Sherman, and Reverend Thompson Bird, the articles of incorporation for the city of Des Moines, and later became a Trustee of the city.

#### DOMESTIC.

He was married June 27, 1848, at Des Moines, Iowa, by the Reverend Thompson Bird, to Miss Augusta Grimmel, to whom were born two sons and one daughter, and on June 27, 1908, celebrated their sixtieth anniversary in the home where they had lived for more than half a century; and at this time in fair health and amidst a host of friends and their children and ten grandchildren and one great-grandchild. By faith he was a Presbyterian and lived it. Socially he was an "Odd Fellow." Politically he was a consistent Democrat. I can best illustrate his character by quoting what was said of him in an editorial of the Register and Leader of September 1, 1908:

"In these days when men are multiplying the complexities of life, engaging in vain and varied pursuits of the phantom of fame, and raising strange new standards of living, the life of a citizen like Judge Casady may well be held up as a model for the youth of Iowa. He lived simply and he had time to grow really great. He had no selfish personal ambitions to satisfy, but he was content to serve others. He believed in the dignity of plain citizenship and he preferred it to the pomp and circumstance of public office. He believed in the homely virtues of life—in gentleness, in devotion to his home, in loyalty to his friends, in patriotism for his country, in the faithful fulfillment of all obligations, in the beauty of service, and the duty of usefulness. He not merely believed in these things, but he practiced them, and when he went from this sphere of life he went not empty-handed, but bearing a golden harvest of good deeds. Loving hands will probably rear a noble monument to Judge Casady, but they cannot ever build so noble a monument to his memory as there now exists in the city whose foundation stones he helped to lay. Judge Casady was not merely a part of the beginning of things in Des Moines and the State of Iowa, but he had a large part in the continued building thereof. To him, as to other pioneers, and to their courage and patience and public spirit, Des Moines and Iowa owe much. That they builded well, even better than they knew, is evidenced in the city of today and the Iowa of today. Judge Casady can never be forgotten as long as the city and State stand. There is sorrow in Judge Casady's death, but there is far greater rejoicing that he lived and labored among us."

He died August 31, 1908, aged 89 years, 8 months and 28 days.

The resolutions were adopted unanimously by a rising vote.

Senator Gilliland moved that the remarks made by Senator Dowell be printed in the Journal.

Carried.

Senator Wilson of Fayette offered the following resolution and moved its adoption :

WHEREAS, Miss Margaret McDevitt has acted as Clerk for the Committee on Elections since August 31st, and the appointment having failed to be noted, therefore be it

*Resolved*, That the Secretary of the Senate be instructed to place said Margaret McDevitt upon the pay roll for the entire session.

Adopted.

Senator Jones from the Joint Committee appointed to draft suitable resolutions on the life of the Honorable Lucian C. Blanchard, submitted the following report :

#### CONCURRENT MEMORIAL RESOLUTIONS.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE THIRTY-SECOND GENERAL ASSEMBLY, EXTRA SESSION :

Report of joint committee appointed on the part of the Senate and House in accordance with the concurrent resolution adopted by the House and Senate, relative to memorial resolutions as to the life of the Honorable Lucian C. Blanchard, who died March 1, 1908 :

Born at Diana, Lewis County, New York, April 15, 1839, he was reared on a farm and received his early education in the country schools. At the age of seventeen he started for the West, stopping at Mt. Morris, Illinois, where he continued his studies and taught school, combining also his work with the study of law. He was attracted to Colorado, but remained only one year, when he located at Newton, Iowa, and continued his teaching and study of law. He offered his services as a soldier in the Union Army, becoming a member of Company "K," Twenty-eighth Iowa Volunteers, and served about one and one-half years, engaging in the conflict at Fort Gibson, Champion Hills and the siege and capture of Vicksburg. Was discharged with his regiment at New Orleans. Coming north to Illinois again, he taught school, pursued his law course and graduated in the University of Michigan, Law Department, with honors, in 1866.

Starting in practice in Montezuma, Iowa, and being elevated to the bench as Judge of the Circuit Court, he was continuously an honorable and distinguished Judge for the period of seventeen years. In 1885 he located in Oskaloosa, opening a law office, and was a most successful

and brilliant practitioner during the balance of his life, excepting the time occupied as a member of the General Assembly of Iowa. Elected as Representative of the Twenty-fifth General Assembly, and chosen State Senator for the Twenty-sixth, Twenty-sixth Extra, Twenty-seventh, Twenty-eighth and Twenty-ninth sessions, being a member of the Code Commission of 1897. He took a most important part in the legislation of this State, and acquitted himself with great honor and able statesmanship. He was President of the Iowa Bar Association, and member of the International Congress of Law, Vice Commander of the Iowa Department of the G. A. R., Grand Orator and Grand Treasurer of the Iowa Grand Lodge of Masons, associate editor of the Masonic Digest and a member of the Iowa Vicksburg National Park Commission.

A man widely known and highly honored and ever respected as having an unimpeachable character. Married three times, he leaves, as the children of his first wife, one daughter and one son, who honor his highly cherished memory, besides his widow. He was deliberate, conservative, reserved, dignified, but condescending and sympathetic, active, fearless in controversy, sharp with sarcasm, but ever tactful and thoroughly successful.

*Resolved*, That in the loss of this most highly honored citizen the family lose a faithful parent and husband, the community an enterprising and influential citizen, the legal fraternity a brilliant jurist and practitioner, the State a notable statesman, and the country a patriot who has left a lasting impress through his life's work upon the page of history.

*Resolved*, That these resolutions be entered in the Journals of the Senate and House, respectively, and each member of the family furnished an engrossed copy by the Secretary and Chief Clerk.

A. F. N. HAMBLETON,

H. L. PIERCE,

D. W. DOW,

W. G. JONES,

C. J. A. ERICSON,

*Joint Committee of Senate and House.*

Senator Jones moved the adoption of the resolution.

Senator Hughes spoke as follows:

MR. PRESIDENT AND SENATORS: My heart is in the resolution before us. Lucian Blanchard was one of the Boys in Blue on the firing line in the Civil War. He was a gallant member of Company K, Twenty-eighth Iowa, while I was a member of Company G of the same regiment. I was a member of the House when he was an honored and influential member of the Senate. He agreed with me that the little bronze button was a possession of more value than any title that might be conferred by man. He was highly honored by his fellow citizens, and deservedly so. I heartily second the motion for the adoption of the resolution.

The resolutions were adopted unanimously by a rising vote.

Senator Gilliland moved that the remarks of Senator Hughes be printed in the Journal.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 4.

A BILL FOR AN ACT TO APPROPRIATE THE SUM OF SIXTY-SEVEN DOLLARS TO DEFRAY THE EXPENSES INCURRED BY THE GENERAL ASSEMBLY IN HOLDING EXERCISES IN MEMORY OF THE LATE SENATOR ALLISON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. There is hereby appropriated from the funds in the State Treasury not otherwise expended the sum of Sixty-seven (67) Dollars to be used in defraying the expenses connected with the holding of the memorial exercises by the General Assembly in memory of the late Senator Allison, the same to be paid and distributed as follows:

J. F. Wilcox, twenty-five (25) dollars.

A. L. Frisbie, five (5) dollars.

Alfred G. Lozier, seventeen (17) dollars.

George Feige, manager Hylo Quartette, twenty (20) dollars.

SECTION 2. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Read first and second time and referred to Committee on Appropriations.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Session.

The President announced that the Senate would proceed to the House for the purposes of Joint Session, under the direction of the Sergeant-at-Arms.

The Senate proceeded to the House.

## JOINT CONVENTION.

Joint convention was called to order by Lieutenant Governor Garst, President of the joint convention, at 12 o'clock, noon.

The roll call disclosed the following members of the Senate and House in their seats:

Allen, Allred, Anderson, Arney, Baird, Balluff, Bascom, Bauman, Beery, Bixby, Blackmore, Bleakly, Bonwell, Brandes, Bruce, Burgess, Calkins, Cassady, Clarke, Clark, Clary, Conn, Corrie, Cottrell, Darrah, DeArmand, DeMar, Dewell, DeWolf, Dodds, Doran, Dow, Dowell, Drury, Dunn, Dunham, Dye of Decatur, Dye of Pottawattamie, Earle, Eckles, Elerick, Elliott, Ericson, Feay, Feely, Felt, Fenn, Flugum, Foley, Fox, Frudden, Gale, Geneva, Gilliland, Greenwood, Grier, Hackler, Hambleton, Hanna, Hanson, Harding, Harvey, Heles, Holmes, Hopkins, Hughes, Hume, Inman, Jackson, Jamison of Clarke, Jamieson of Page, Jewell, Jones of Mahaska, Jones of Montgomery, Kelley, Kellogg, Kendall, Kimmel, Kinne, Koontz, Kull, Lambert, Lee, Lister, Lowrey, McAllister, McDonald, McElrath, McKlveen, McManus, Maben, Mann, Marston, Mason, Mattes, Maytag, Mercer, Meredith, Miller of Bremer, Miller of Dubuque, Moon, Moore, Morris, Newberry, Nichols, Nix, Ofill, Paul, Peterson, Pierce, Price, Reaney, Reitz, Saunders, Schoenenberger, Schroeder, Schulte, Seeley, Shaffer, Sheldon, Sidey, Smith of Des Moines, Smith of Mitchell, Smith of Wright, Sparks, Springer, Stewart, Stillman, Stirton, Stoltenberg, Stookey, Stuckslager, Sullivan, Swan, Swift, Taylor, Teter, Turner, Van Houten, Wade, Warren, Webster, Weeks, Welden, Whipple, Whiting, White, Wilson of Tama, Wilson of Fayette, Wilson of Clinton, Wolfe, Youde, Young—154.

President Garst declared the Joint Convention duly organized with a quorum of members present.

The Joint Convention then proceeded to ballot for United States Senator in Congress.

Those voting for Albert B. Cummins were:

Allen, Anderson, Arney, Bascom, Blackmore, Bonwell, Bruce, Burgess, Clark, Conn, Corrie, Darrah, Doran, Dewell, Drury, Eckles, Ericson, Feeley, Felt, Fenn, Flugum, Grier, Hackler, Hanson,

Holmes, Hopkins, Hughes, Hume, Jewell, Jones of Montgomery, Kelley, Kimmel, Kinne, Lee, Lister, Lowrey, Maben, Marston, Mason, Mattes, Maytag, Mercer, Meredith, Morris, Newberry, Peterson, Saunders, Shaffer, Smith of Mitchell, Smith of Wright, Stillman, Stoltenberg, Sullivan, Teter, Turner, Van Houten, Warren, White, Wilson of Tama, Wilson of Fayette, Youde, Young—65.

Those voting for Claude R. Porter were:

Baird, Balluff, Bauman, Calkins, Clarke, Clary, Cottrell, DeArmand, DeMar, DeWolf, Dodds, Earle, Feay, Foley, Frudden, Geneva, Heles, Jamieson of Page, Kendall, Koontz, Kull, Lambert, McDonald, McManus, Miller of Bremer, Miller of Dubuque, Moon, Pierce, Price, Reitz, Ritter, Schoenenberger, Schroeder, Schulte, Sidey, Smith of Des Moines, Sparks, Springer, Stewart, Stirton, Swift, Taylor, Wade, Whiting, Wilson of Clinton, Wolfe—46.

Those voting for Walter I. Smith were:

Bixby, Brandes, Dewell, Dunn, Dye of Decatur, Dye of Pottawattamie, Elerick, Elliott, Gilliland, Greenwood, Hanna, Harvey, Jackson, Kellogg, McKlveen, Mann—16.

Those voting for George W. Clarke were:

Allred, Cassady, Dow, Fox, McElrath, Moore, Nix, Sheldon—8.

Those voting for Warren Garst were:

Beery, Paul, Seeley, Whipple—4

Those voting for Geo. N. Curtis were:

Bleakly, Nichols—2.

Those voting for James H. Trewin were:

Dunham, McAllister—2.

Those voting for William H. Larrabee were:

Gale, Reaney—2.

Those voting for John F. Lacey were:

Hambleton, Jones of Mahaska, Ofill—3.

Those voting for Frank D. Jackson were:

Jamison of Clarke, Stookey—2.

Those voting for A. B. Funk were:

Harding, Inman—2.

Those voting for A. J. Baker were:

Swan—1.

Those voting for Joseph R. Lane were:

Stuckslager—1.

The President announced that no candidate had received a majority of all the votes cast by the Joint Convention for the office of Senator in the Congress of the United States.

On motion of Senator Allen the Joint Convention dissolved.

Senate returned from Joint Session.

#### THIRD READING OF BILLS.

By unanimous consent, Senate File No. 4, a bill for an act to appropriate the sum of Sixty-seven Dollars to defray the expenses incurred by the General Assembly in holding exercises in memory of the late Senator Allison, was withdrawn from the Committee on Appropriations and taken up for consideration.

The bill was read for information.

Senator Saunders moved that the rule be suspended, the bill be considered engrossed, and the reading just had be considered its third reading, which motion prevailed.

On the question, "Shall the bill pass?"



The yeas were:

Bleakly, Burgess, DeArmand, DeWolf, Dunham, Eckles, Elerick, Foley, Frudden, Gale, Gilliland, Hughes, Jackson, Jamison of Clarke, Jones, Kimmel, Kinne, Lambert, McKlveen, McManus, Moon, Newberry, Nichols, Peterson, Saunders, Seeley, Stirton, Stookey, Stuckslager, Taylor, Turner, Wade, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton—36.

The nays were:

None.

Absent or not voting:

Allen, Bruce, Clark, Dowell, Ericson, Hopkins, Jamieson of Page, Mattes, Maytag, Smith of Des Moines, Smith of Mitchell, Warren, Young—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Newberry moved that the Senate do now adjourn.

Carried.

Senate adjourned.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment at 3 o'clock p. m., President Garst presiding.

#### MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following concurrent resolution in which the concurrence of the Senate is asked:

Concurrent resolution relative to printing 3,000 copies of the remarks of the members made at the memorial services on Tuesday, September 8th.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 3, a bill for an act providing for the publication and distribution of the Acts and Journals of the Extraordinary Session of the Thirty-second General Assembly.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to House File No. 1, in which the concurrence of the House was asked:

A bill for an act to amend the law as it appears in Chapter 51 of the Acts of the Thirty-second General Assembly, relating to the holding of party primary elections for the expression of choice of candidates for Senator in the Congress of the United States.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 5, a bill for an act to make appropriation for the payment of the compensation of members of the Thirty-second General Assembly in extra session and other expenses.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Concurrent Resolution relative to printing 3,000 copies of the remarks of the members made at the memorial services on Tuesday September 8th.

Senator Frudden moved that the Senate concur in the House Concurrent Resolution.

Carried.

Senate File, No. 3, a bill for an act providing for the publication and distribution of the acts and Journals of the extraordinary session of the Thirty-second General Assembly.

Passed on file.

House has concurred in Senate amendment to House File No. 1, a bill for an act to amend the law as it appears in Chapter 51 of the acts of the Thirty-second General Assembly relating to the holding of party primary elections for the expression of choice of candidates for Senator in the Congress of the United States.

Passed on file.

House File No. 5, a bill for an act to make appropriation for the payment of the compensation of members of the Thirty-second General Assembly in extra session, and other expenses.

Read first and second time.

Senator Maytag asked unanimous consent to take up the bill at this time.

Consent granted.

The bill was read for information.

Further consideration of the bill was postponed.

Senator Peterson, occupying seat No. 10, asked unanimous consent to exchange seats with Senator Wilson of Fayette, Senator Peterson to take seat No. 34 and Senator Wilson to take seat No. 10.

Consent granted.

Senator Mattes moved that the rules be suspended and House File No. 5 be taken up for consideration now.

The motion was lost.

Senator Gilliland moved that the Senate take a recess for three minutes.

Senate took a recess.

The President called the Senate to order.

Senator Frudden moved that the Senate reconsider the action by which motion to take up for immediate action House File No. 5 was lost.

Carried.

Senator Frudden moved that House File No. 5 be referred to the Committee on Appropriations.

The President announced that House File No. 5, being an appropriation bill, would be referred to the Committee on Appropriations unless the rules be suspended.

Senator Saunders moved that the rules be suspended and House File No. 5 be taken up for consideration at this time.

A roll call was demanded.

Those favoring the motion were:

Senators Allen, Bleakly, Bruce, Burgess, Clark, Dowell, Dunham, Eckles, Elerick, Ericson, Gale, Gilliland, Hughes, Jackson, Jones, Kimmel, McKlveen, Mattes, Maytag, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Mitchell, Stookey, Stuckslager, Turner, Warren, Whipple, Wilson of Fayette, Young—32.

The nays were:

Senators DeArmand, DeWolf, Foley, Frudden, Jamieson of Page, Kinne, Lambert, McManus, Moon, Smith of Des Moines, Stirton, Taylor, Wade, Whiting, Wilson of Clinton—15.

Absent or not voting:

Senators Jamison of Clarke, Hopkins—2.

So the motion prevailed.

House File No. 5 was taken up for consideration.

Senator DeWolf moved the adoption of the following amendment:

Move to amend Section One (1) of the bill by striking out all of said section after the word "law" in the fifth line of said section.

President pro tem. Smith was called to the chair at 3:45 o'clock.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Bleakly, DeArmand, DeWolf, Foley, Frudden, Gale, Jackson, Jamieson of Page, Jones, Kimmel, Kinne, Lambert, McManus, Moon, Smith of Des Moines, Stirton, Taylor, Wade, Whiting, Wilson of Clinton, Young—21.

The nays were:

Senators Burgess, Clark, Dowell, Dunham, Eckles, Ericson, Gilliland, Hughes, McKlveen, Mattes, Maytag, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Mitchell, Stookey, Stuckslager, Warren, Whipple, Wilson of Fayette—22.

Absent or not voting:

Senators Allen, Bruce, Elerick, Hopkins, Jamison of Clarke, Turner—6.

So the amendment was lost.

Senator Saunders moved the adoption of the following amendment:

I move to amend by striking out all of section 2 and renumbering section 3 as section 2.

Adopted.

The bill as amended was read for information.

Senator Young moved the adoption of the following amendment:

Strike out all of Section One (1) after the word "session" in the seventh line.

By unanimous consent the amendment was withdrawn.

Senator Dunham moved the previous question on the bill.

Carried.

Senator Maytag moved that the rules be suspended, and the reading just had be considered the third reading.

Carried.

On the question, "Shall the bill pass?"

The yeas were:

Senators Bleakly, Bruce, Burgess, Clark, Dowell, Dunham, Eckles, Elerick, Ericson, Gilliland, Hopkins, Hughes, Jackson, Kimmel, Kinne, McKlveen, Mattes, Maytag, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Mitchell, Stookey, Stuckslager, Warren, Whipple, Wilson of Fayette—29.

The nays were:

Senators DeArmand, DeWolf, Foley, Frudden, Gale, Jamieson of Page, Lambert, McManus, Moon, Smith of Des Moines, Stirton, Taylor, Wade, Whiting, Wilson of Clinton, Young—16.

Absent or not voting:

Senators Allen, Jamison of Clarke, Jones, Turner—4.

Senator Maytag moved the adoption of the following amendment to the title of the bill:

Strike out the words "and other expenses" as they appear in the title.

Adopted.

So the bill having received a constitutional majority was declared to have passed the senate and its title as amended agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following concurrent resolution in which the concurrence of the Senate is asked:

Relative to adjournment on Thursday, September 10, 1908, at 5 o'clock p. m., to meet again in session at 10 o'clock a. m. on November 24, 1908, for the purpose of selecting a United States Senator.

C. R. BENEDICT,  
*Chief Clerk.*

The Journal of Tuesday, September 8th, was taken up, corrected and approved.

The Journal of yesterday was taken up, corrected and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate Amendments to House File No. 5, a bill for an act to make appropriations for the payment of the compensation of members of the Thirty-second General Assembly at extra session.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 4, a bill for an act appropriating the sum of \$67.00 to cover the expenses incurred by the General Assembly in holding exercises in memory of the late Senator Allison.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

Senate File No. 4, a bill for an act to appropriate the sum of Sixty-seven Dollars (\$67.00) to cover the expenses incurred by the General Assembly in holding exercises in memory of the late Senator Allison.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Seeley, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT: Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 3, a bill for an act providing for the publication and distribution of the Acts and Journals of the Extraordinary Session of the Thirty-second General Assembly.

Senate File No. 4, a bill for an act to appropriate the sum of \$67.00 to cover the expenses incurred by the General Assembly in holding exercises in memory of the late Senator Allison.

W. B. SEELEY,  
*Chairman.*

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Seeley, from the Joint Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT: Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 3, a bill for an act providing for the publication and distribution of the Acts and Journals of the Extraordinary Session of the Thirty-second General Assembly.

Also:

Senate File No. 4, a bill for an act to appropriate the sum of \$67.00 to cover the expenses incurred by the General Assembly in holding exercises in memory of the late Senator Allison.

W. B. SEELEY,  
*Chairman Senate Committee.*

PAUL E. STILLMAN,  
*Chairman House Committee.*

Ordered passed on file.

The President resumed the chair at 4:40 o'clock.

The President announced that he had signed in the presence of the Senate:

Senate File No. 3.

House File No. 1.

HOUSE MESSAGES CONSIDERED.

House has concurred in Senate amendments to House File No. 5, a bill for an act to make appropriations for the payment of the compensation of members of the Thirty-second General Assembly at extra session.



Passed on file.

House Concurrent Resolution in which the concurrence of the Senate is asked, relative to adjournment on Thursday, September 10, 1908, at 5 o'clock p. m., to meet again in session at 10 o'clock a. m., on November 24, 1908, for the purpose of selecting a United States Senator.

Senator Lambert moved the adoption of the following amendment:

Amend by striking out all after the letters "P. M.," as they appear in the third line of the Concurrent Resolution.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Allen, DeWolf, Foley, Frudden, Jamieson of Page, Lambert, McManus, Moon, Smith of Des Moines, Stirton, Taylor, Turner, Wade, Whiting, Wilson of Clinton—15.

The nays were:

Senators Bleakly, Bruce, Burgess, Clark, Dowell, Dunham, Eckles, Elerick, Ericson, Gale, Gilliland, Hopkins, Hughes, Jamison of Clarke, Jones, Kimmel, Kinne, McKlveen, Mattes, Maytag, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Mitchell, Stookey, Warren, Whipple, Wilson of Fayette, Young—32.

Absent or not voting:

Senators DeArmand, Jackson—2.

So the amendment was lost.

Senator Young moved the adoption of the following amendment:

Amend by changing the time of reconvening from 10 o'clock a. m. to 2 o'clock p. m., on November 24, 1908.

By consent the amendment was withdrawn.

The Concurrent Resolution was adopted.

The President announced that he had signed in the presence of the Senate House File No. 5 and Senate File No. 4.

Senator Dunham moved that the Secretary of Senate be authorized to correct and approve the Journal of the Senate for today.

Carried.

Senator Seeley, occupying seat No. 2, asked unanimous consent to exchange seats with Senator Eckles occupying seat No. 36, Senator Seeley to take seat No. 36 and Senator Eckles to take seat No. 2.

Consent granted.

The hour for adjournment having arrived, the President declared the Senate adjourned until November 24, 1908, at 10 o'clock a. m.

# JOURNAL OF THE SENATE

SENATE CHAMBER, DES MOINES, IOWA,  
TUESDAY, NOVEMBER 24, 1908.

Senate met pursuant to adjournment at 10 o'clock a. m., President Garst presiding.

Prayer was offered by the Reverend A. A. Walburn of Colfax Iowa.

The following communication was received from W. C. Hayward, Secretary of State, which was read and passed on file:

*To the Thirty-second General Assembly:*

I, W. C. Hayward, Secretary of State of the State of Iowa, in compliance with the provisions of sub-division "G" of section one (1) of an act to amend the law as it appears in chapter fifty-one (51) of the acts of the Thirty-second General Assembly, do hereby certify that at the primary election held on November 3, 1908, for the expression of choice of republican candidates for senator in congress of the United States, there were cast, as shown by certificate on file in my office, executed by the Executive Council of the State of Iowa as a board of state canvassers, 235,046 votes, of which number:

Albert B. Cummins received.....	138,840 votes
John F. Lacey received.....	96,193 votes
Scattering .....	13 votes

Wherefore it is declared that Albert B. Cummins was duly nominated as the candidate of the republican party of Iowa for the office of senator in the congress of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Secretary of State of the State of Iowa.

Done at Des Moines, the capital of the state, this 23d day of November, A. D. 1908.

(SEAL.)

W. C. HAYWARD,  
*Secretary of State.*

President Pro Tem Smith was called to the chair at 10:05 o'clock a. m.

Senator Dowell offered the following Concurrent Resolution and moved its adoption :

*Resolved by the Senate, the House concurring, that a joint committee on inauguration be appointed, consisting of five members of the Senate, to be appointed by the President, and five members of the House, to be appointed by the Speaker.*

Adopted.

The President announced as such committee on the part of the Senate:

Senators Dowell, Newberry, Dunham, Turner, and Jamieson of Page.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in the following concurrent resolution in which the concurrence of the House was asked:

Relative to the appointment of a joint committee on inauguration and the Speaker of the House names as committee on part of the House:

Representative Sullivan of Polk  
 Representative Hackler of Webster  
 Representative Hanson of Humboldt  
 Representative Harding of Woodbury  
 Representative McDonald of Carroll

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

House concurred in Senate Concurrent Resolution relative to the appointment of a Joint committee on inauguration.

Passed on file.

Senator Dowell of the Joint Committee on inauguration submitted the following report and moved its adoption:

*To the President of the Senate and Speaker of the House of Representatives:*

The undersigned, your Committee on Inauguration, beg leave to submit the following report:

We recommend that the inauguration of the Governor be held in the Chamber of the House of Representatives on Tuesday afternoon, November 24th, at 3:00 o'clock, and submit the following program:

Prayer—Dr. A. L. Frisbie, Des Moines, Iowa.

Solo—Mabelle Wagner-Shank.

Administration of oath of office to Governor Warren Garst by Chief Justice Scott M. Ladd.

Inauguration Address—Governor Warren Garst.

Solo—Mabelle Wagner-Shank.

We recommend that the galleries of the House be opened to the public.

#### PUBLIC RECEPTION.

The Thirty-second General Assembly of the State of Iowa extends a cordial invitation to the people of the State to attend the public reception to be tendered to Governor Warren Garst by the members of the Assembly at the State Capitol on Tuesday evening, November 24, 1908, from 8:00 to 11:00 o'clock.

C. C. DOWELL,  
BYRON W. NEWBERRY,  
D. W. TURNER,  
GEO. W. DUNHAM,  
W. D. JAMIESON,

*On part of the Senate.*

JOHN B. SULLIVAN,  
CHARLES W. HACKLER,  
W. L. HARDING,  
T. O. HANSON,  
EDWARD McDONALD,

*On part of the House.*

Adopted.

The Senate took a recess subject to the call of the chair.

The President resumed the chair at 10:45 o'clock.

The President called the Senate to order.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

Relative to the use of the basement and corridors of the Capitol Building for exhibition space by the National Creamery Buttermakers Association.

C. R. BENEDICT,  
*Chief Clerk.*

CONCURRENT RESOLUTION.

*Be it Resolved by the House, the Senate concurring,* that the use of the basement and corridors of the Capitol Building be extended to the National Creamery Buttermakers Association for the purpose of exhibiting their produce and machinery, said use to extend for a period of one week, either the last week in February or the first week in March, 1909, all spacing and installation of machinery to be done under the direction of the custodian.

HOUSE MESSAGE CONSIDERED.

House Concurrent Resolution relative to the use of the basement and corridors of the Capitol Building for exhibition space by the National Creamery Buttermakers Association.

Senator Dowell moved that the Senate concur in the House Concurrent Resolution.

Carried.

Senator Foley offered the following resolution and moved its adoption.

Resolved that Senator Foley and Senator Ericson be allowed to exchange seats; Senator Foley taking seat No. 17 and Senator Ericson No. 19.

Adopted.

The Senate took a recess subject to the call of the President.

The Senate was called to order by the President.

INTRODUCTION OF BILLS.

By Senator Dunham, Senate File No. 5.

A BILL for an act to make appropriation for the expenses of the inauguration of Governor Warren Garst and other expenses.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. There is hereby appropriated out of the money in the state treasury not otherwise appropriated the sum of two hundred and sixty-five (\$265) dollars or so much thereof as may be necessary to pay the expenses incurred on account of the inauguration of Governor Warren

Garst, the inauguration ceremonies and reception. Warrants shall be drawn upon the treasury for the sum herein appropriated in favor of the Adjutant General of the State upon filing the vouchers therefor with the auditor of state.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Capital and the Register and Leader, newspapers published in Des Moines, Iowa.

Read first and second time and passed on file.

A committee from the House announced that the House was in session and ready to receive the Senate in joint convention.

### JOINT CONVENTION.

Joint Convention was called to order by Lieutenant Governor Garst, President of the Joint Convention, at 12 o'clock noon.

The roll call disclosed the following members present:

Allen, Allred, Anderson, Arney, Balluff, Bascom, Bauman, Beery, Bixby, Blackmore, Bleakly, Bonwell, Brandes, Bruce, Burgess, Calkins, Cassady, Clark of Poweshiek, Conn, Corrie, Darrah, DeArmond, DeMar, Dewell, DeWolf, Doran, Dow, Dowell, Drury, Dunn, Dunham, Dye of Decatur, Dye of Pottawattamie, Eckles, Elerick, Elliot, Ericson, Feely, Felt, Fenn, Flugum, Folcy, Fox, Frudden, Gale, Geneva, Gilliland, Grier, Hackler, Hambleton, Hanna, Hanson, Harding, Harvey, Heles, Holmes, Hopkins, Hughes, Hume, Inman, Jackson, Jamison of Clarke, Jamieson of Page, Jewell, Jones of Montgomery, Kelley, Kellogg, Kendall, Kimmel, Kinne, Koontz, Lambert, Lee, Lister, Lowrey, McAllister, McDonald, McElrath, McKlveen, McManus, Maben, Mann, Marston, Mattes, Maytag, Mercer, Meredith, Miller of Bremer, Miller of Dubuque, Moon, Moore, Morris, Newberry, Nichols, Nix, Offil, Paul, Peterson, Pierce, Price, Reaney, Reitz, Ritter, Saunders, Schoenenberger, Schoeder, Seeley, Shaffer, Sheldon, Sidey, Smith of Mitchell, Smith of Wright, Springer, Stewart, Stillman, Stirton, Stoltenberg, Stookey, Stuckslager, Sullivan, Swan, Swift, Taylor, Teter, Turner, Van Houten, Wade, Warren, Webster, Weeks, Welden, Whipple, Whiting, White, Wilson of Tama, Wilson of Fayette, Wilson of Clinton, Wolfe, Youde, Young, Mr. Speaker—143.

President Garst declared a quorum of members present. The Joint Convention then proceeded to ballot for the election of Senator in the Congress of the United States to fill the unexpired term ending March 4, 1909.

Those voting for Albert B. Cummins were:

Allen, Allred, Anderson, Arney, Bascom, Beery, Bixby, Blackmore, Bleakly, Bonwell, Brandes, Bruce, Burgess, Cassady, Clark, of Poweshiek, Conn, Corrie, Darrah, Dewell, Doran, Dow, Dowell, Drury, Dunn, Dunham, Dye of Decatur, Dye of Pottawattamie, Eckles, Elerick, Elliott, Erickson, Feely, Felt, Fenn, Flugum, Fox, Gale, Gilliland, Grier, Hackler, Hambleton, Hanna, Hanson, Harding, Harvey, Holmes, Hopkins, Hughes, Hume, Inman, Jackson, Jamison of Clarke, Jewell, Jones of Montgomery, Kelley, Kellogg, Kimmel, Kinne, Lee, Lister, Lowrey, McAllister, McElrath, McKlveen, Maben, Mann, Marston, Mattes, Maytag, Mercer, Meredith, Moore, Morris, Newberry, Nichols, Nix, Offil, Paul, Peterson, Reaney, Saunders, Seeley, Shaffer, Sheldon, Smith of Mitchell, Smith of Wright, Stillman, Stoltenberg, Stookey, Stuckslager, Sullivan, Swan, Teter, Turner, Van Houten, Warren, Webster, Weeks, Welden, Whipple, White, Wilson of Tama, Wilson of Fayette, Youde Young, Mr. Speaker—107.

Those voting for Claude R. Porter were:

Balluff, Bauman, Calkins, DeArmand, DeMar, DeWolf, Foley, Frudden, Geneva, Heles, Jamieson of Page, Kendall, Koontz, Lambert, McDonald, McManus, Miller of Bremer, Miller of Dubuque, Moon, Pierce, Price, Reitz, Ritter, Schoenenberger, Schroeder, Sidey, Springer, Stewart, Stirton, Swift, Taylor, Wade, Whiting, Wilson of Clinton, Wolfe.—35.

Absent or not voting:

Baird, Clary, Clarke of Jefferson, Cottrell, Dodds, Earle, Feay, Greenwood, Jones of Mahaska, Mason, Schulte, Smith of Des Moines, Sparks—13.

President Garst declared that Albert B. Cummins having received a majority of all votes cast is elected senator in the Congress of the United States to fill the unexpired term ending March 4, 1909.



The following certificate of election of Albert B. Cummins as Senator in the Congress of the United States to fill the unexpired term ending March 4, 1909, was signed in the presence of the Joint Convention.

CERTIFICATE.

Des Moines, Iowa, November 24, 1908.

This is to certify that at a meeting of the two Houses of the General Assembly of the State of Iowa in joint assembly, held on Wednesday, the 9th day of September, 1908, at noon, a majority of all the members being present, it was found, upon examination of the journals of the Houses that upon the day before, the same being the second Tuesday after the meeting and organization of the General Assembly convened in extra session, the Senate had by roll call of the members present, constituting a majority of the Senate, voted upon the election of a Senator in Congress to fill the vacancy caused by the death of William B. Allison, and for the unexpired term of the said William B. Allison, with the following result, to-wit:

Total number of votes cast—49, of which

Albert B. Cummins received.....	21
Claude R. Porter received.....	14
Walter I. Smith received.....	4
Joseph R. Lane received.....	4
Frank D. Jackson received.....	3
William Larrabee received.....	1
George D. Perkins received.....	1
Warren Garst received.....	1

It is further certified that at a meeting of the two Houses of the General Assembly of the State of Iowa in joint assembly held on Wednesday, the 9th day of September, 1908, at noon, a majority of all the members being present, it was found, upon examination of the Journals of the Houses that upon the day before, the same being the second Tuesday after the meeting and organization of the General Assembly convened in extra session, the House of Representatives had by roll call of the members present, constituting a majority of the House of Representatives, voted upon the election of a Senator in Congress to fill the vacancy caused by the death of William B. Allison, and for the unexpired term of the said William B. Allison, with the result following, to-wit:

Total number of votes cast—103; of which

Albert B. Cummins received.....	43
Claude R. Porter received.....	31
Walter I. Smith received.....	12
A. B. Funk received.....	5
John F. Lacey received.....	2

W. P. Hepburn received.....	2
George W. Clarke received.....	1
G. N. Haugen received.....	1
Albert F. Dawson received.....	1
James H. Trewin received.....	1
George D. Perkins received.....	1
Joseph R. Lane received.....	1
William Larrabee received.....	1
A. J. Baker received.....	1

It appearing that no person had received a majority of the votes cast in said Senate and House, voting separately, the said joint assembly proceeded to the election of a Senator in Congress for said unexpired term. Upon roll call of the said General Assembly so sitting in joint assembly, the result was as follows, to-wit:

Total number of votes cast—153, of which

Albert B. Cummins received.....	66
Claude R. Porter received.....	46
Walter I. Smith received.....	20
A. B. Funk received.....	4
Joseph R. Lane received.....	3
John F. Lacey received.....	3
Warren Garst received.....	2
George W. Clarke received.....	2
George M. Curtis received.....	2
Walliam Larrabee received.....	2
F. D. Jackson received.....	1
A. J. Baker received.....	1
W. P. Hepburn received.....	1

Whereupon the said joint assembly adjourned to meet on the following day as provided by law.

This is to further certify that upon the tenth day of September, 1908, at noon, the said joint assembly reconvened, and another vote by roll call was had upon the election of a Senator in Congress for said unexpired term, with the following result, to-wit:

Total number of votes cast—154, of which

Albert B. Cummins received.....	65
Claude R. Porter received.....	46
Walter I. Smith received.....	16
George W. Clarke received.....	8
Warren Garst received.....	4
George M. Curtis received.....	2
James H. Trewin received.....	2
William Larrabee received.....	2
John F. Lacey received.....	3

F. D. Jackson received.....	2
A. B. Funk received.....	2
A. J. Baker received.....	1
Joseph R. Lane received.....	1

Whereupon the said joint assembly dissolved.

This is to further certify that the said General Assembly of the State of Iowa, having adjourned on the 10th day of September, 1908, to meet on the 24th day of November, 1908, at 10 o'clock, a. m. the said joint assembly reconvened at noon on the said 24th day of November, and pursuant to law again voted by roll call of the members present upon the election of Senator in Congress for said unexpired term, with the following result, to-wit:

Total number of votes cast—142, of which

Albert B. Cummins received.....	107
Claude R. Porter received.....	35

Whereupon, it appearing that in said joint assembly the said Albert B. Cummins received a majority of all the votes cast, a majority of the said General Assembly being present and voting, the said joint assembly formally declared said Albert B. Cummins, of Des Moines, Polk county, Iowa, duly elected Senator to represent the State of Iowa in the Congress of the United States for the unexpired term to which William B. Allison was elected, ending on the 4th day of March, A. D. 1909.

WARREN GARST,

*President of Senate and Joint Assembly.*

N. E. KENDALL,

*Speaker of the House.*

GEO. A. NEWMAN,

*Secretary of Senate.*

C. R. BENEDICT,

*Clerk of House of Representatives.*

Hambleton of Mahaska moved that a committee of five be named to notify Governor Albert B. Cummins of his election as Senator in the Congress of the United States and to conduct him to the Speaker's station.

President Garst named as such committee: Hambleton of Mahaska, Dowell of Polk, Smith of Mitchell, Marston of Cerro Gordo, Springer of Buchanan.

The committee returned and escorted the Senator to the Speaker's station.

Senator Cummins then delivered the following address:

*Mr. President, Mr. Speaker, and Gentlemen of the Thirty-second General Assembly:*

I deeply appreciate the honor you have conferred upon me. I am grateful to the voters of the republican party who nominated me for Senator in the Congress of the United States, and I am grateful to the republican members of the General Assembly who have, with unanimity, elected me to that high office. Speaking to that host of loyal, steadfast friends, both within and without this body, who have for so many years strengthened and sustained me, I have sought in vain some formula of words that would express the profound emotions of a heart that is overflowing with the memories of unparalleled devotion. To thank you adequately or sufficiently is utterly impossible; and I must content myself with the expression of the hope that I may be able, in the days to come, to vindicate, in some small measure, the generous confidence which you have so lavishly bestowed upon me. To you who are before me, and to them who are beyond the sound of my voice, I pledge all the strength I have in the effort to be worthy of the trust you have been willing to give into my keeping.

Speaking to those republicans, here and elsewhere, who have preferred some other candidate for Senator, I am sure you will believe me when I say that there is no tinge of ill will in my mind by reason of this natural, and, indeed necessary difference of opinion. A manly fighter leaves no wounds upon me that do not quickly heal, and no scars that do not speedily disappear. You have known me long enough and well enough to be sure that while I have loved victory, I have accepted defeat without bitterness, and that my life has never been shadowed with malice or revenge. To you, also, I have a pledge to make. I sincerely covet your approval of my work in the new field I am about to enter, and if, by diligent study of public questions, and a faithful attempt to perform my full duty, I can win it, I intend to have it. Furthermore, whatsoever I can do to commit to oblivion the acrimony of past campaigns, and to exclude it from all future campaigns, that I intend to do.

This somewhat personal phase of the occasion would not be complete without a word to the men of the democratic party with whom I have been associated in public affairs. I cannot leave the office I have held for nearly seven years without thanking them most heartily for their unvarying kindness to me, and for their patriotic and efficient assistance in the legislation that has been adopted in this period of stress and storm. To them, with like pleasure, I record a promise which shall be sacredly kept. I will hold the welfare of my country and my state high above every other consideration, and will follow truth and justice, as they appear to me, wherever they may lead the way.

The suggestion just made moves me to a further reflection upon party allegiance and fidelity. I am a party man; and in so declaring I do not disparage the unattached reformer. He may be of great value. He may

be, often is, capable of high service to his fellow men. He may, and often does stir the conscience, arouse activity and purify ideals. But to create, to construct, to substitute honest and efficient civic regulation, for unjust or ineffective laws, require co-operation, not spasmodic or intermittent, but fairly permanent and reasonably continuous. Co-operation in affairs which pertain to the government means political organization, and political organization is a synonym for political parties. They are, therefore, the necessary instruments of government, and he who desires to accomplish anything must act and ally himself with that party which, taken altogether, will give to his country the wisest laws and the most abundant and enduring moral and material prosperity.

As you all know, I am, in political faith, a republican. I believe in the essential principles of that party; and I shall do my utmost to carry them into effect, for thus, and thus only, as I view my duty, can I promote the welfare of all the people. I beg to illustrate my meaning. I am deeply convinced of the justice and wisdom of the economic system which imposes protective duties upon imports, and with my voice and vote in the Senate of the United States, I shall do everything in my power to preserve it. To me, this established policy of the republican party means duties upon competitive products high enough to fully protect the American producer in his home market against the unfair rivalry of other countries, but upon the other hand, low enough to insure to the American consumer a fair American price. I am in absolute harmony with the definition announced in the most recent national republican platform. I stand, as you all know, for a revision of the tariff schedules; an honest revision, keeping the promise to the hope as well as to the ear; a revision tested by the standard declared in the platform; and what little influence I may have will be exerted to fulfill the pledge upon which the coming administration was entrusted with political power.

I recognize, however, that but comparatively few of the problems which confront Congress are partisan in their character, and upon all questions which lie above or beyond party lines I hold myself free to act according to my judgment of the public needs. Without in the slightest degree disparaging the wonderful work done in each decade of the century and a half which practically covers our national life, yielding to the men of former times the extreme tribute that can be rendered to patriotic greatness, I think it may still be said that the decade immediately before us will be crowded with issues more vital, and with problems more perplexing, than any which have heretofore absorbed the energies of student or statesman. We are already far out upon a new and troubled sea, but we have not yet discerned clearly the port of rest and safety. We know that in the field of private industry, the corporation, which is but another term for combined wealth, skill, genius, power and experience, must be controlled, to the end, first, that it shall not dominate the government, and to the end, second, that it shall not destroy the force of healthy, reasonable competition, upon which alone those who deal with it must depend for protection from unjust exactions.

I am equally opposed to rash experiment and indifferent inaction. Step by step, carefully but resolutely taken, we must move forward. We cannot expect to see from the beginning every consequence that may follow change, and if we pause until all possibility of error be excluded, we will pause forever. You have a right to know what my general course will be upon this subject, and, reserving to myself the privilege of changing my mind whenever I am convinced that I have been wrong, I say to you that I will do what I can, first to prevent the overcapitalization of all corporations over which Congress has jurisdiction; second, to guarantee to every corporation, and individual as well, the right to use our transportation facilities upon the same terms, under substantially like conditions; third, to make more stringent still the laws which are directed against the attempt to establish a monopoly. I have long believed that eventually there must be a limitation upon the amount of capital which any corporation is permitted to employ, carefully graduated according to the business in which it is engaged. I thoroughly favor the enlargement of any enterprise so that the maximum of economy can be attained, but beyond that limit, the growth of a corporation becomes a distinct menace to the country, without any advantage to legitimate capital.

You have heard so frequently my opinions respecting the regulation of public corporations that it is not necessary for me to repeat them at this time. We must all unite in the effort to see that they are given a chance to earn a fair return upon the value of the property used to render the service required, but we must be equally diligent to see that they are not allowed to earn more. While the amount of the charge made by these companies, and especially the transportation companies, must be kept carefully in mind, it is still more important to give heed to the distribution of their charges. We have already made giant strides toward the abolition of discrimination for or against individual patrons, but the discrimination practiced for and against localities still continues with unabated injustice. I fear that the power conferred upon the Interstate Commerce Commission in this respect will not accomplish the purpose for which it was given, and it will be well to turn our thought in another direction. I believe it is possible to so amend the Interstate Commerce law as to change the burden of proof and investigation; or to phrase it differently, to make the Commission the judge of the exception, and not of the rule. I feel, and have long felt, that our own state is, in an especial way, the object of unwarranted discrimination in interstate railway rates, and I go to my new work fully determined to remedy, if I can, the wrong under which we have so continuously suffered.

Among the many subjects which might appropriately claim my attention at this time, I shall mention but one other. The conservation of our natural resources will be prominent in the discussions of the future. They have been so baundant, and apparently so exhaustless, that we have consumed them without a thought that we were gradually impoverishing ourselves. We can already see the end of our lumber, our coal, and our iron. These are the basic materials of our growth and greatness. We cannot restore our coal and iron, but we can take measures to postpone

the time at which our supply will be gone. Our forests, we can partially restore, and the government of the United States has no more sacred duty than to give back to the people, in some degree, the trees that it has squandered upon avaricious speculators. The strength of our soil must be preserved, and if he who tills it is not willing to so use it that it may go down to future generations still fruitful and productive, then the government must direct him in his energies. Our water powers must be developed, for thus only can the life of our coal deposits be lengthened.

I must not, however, detain you further. It seems to me that the years of the past, brilliant as they have been, were only periods of preparation for the present. We shall need all the virtue and all the strength that we can draw from our forefathers to equip us for the struggle which lies before us. I am wholly conscious of my inability to meet, as you would have me meet, the duties that are now confronting me. I can only again promise you that one motive, and one only, shall inspire me,—an abiding sense of the responsibility I undertake, and a whole-hearted desire to serve the people to whom I must account.

Speaker Kendall in the chair

Senator Saunders of Pottawattamie moved that the address of Senator Albert B. Cummins be printed in the Journal.

Motion prevailed.

On motion of Dow of Franklin the Joint Convention dissolved.

The Senate returned from Joint Session.

#### THIRD READING OF BILLS.

On motion of Senator Dunham Senate File No. 5, a bill for an act to make appropriations for the expense of the inauguration of Governor Warren Garst and other expenses, was taken up. Senator Dunham moved the rules by which no bill be read a second and third time the same day be suspended.

Carried.

Senator Dunham moved that the rule be suspended the bill be considered engrossed and read a third time now, which motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were:

Senators Allen Bleakly, Bruce, Burgess, Clark, DeArmand, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frudden, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamison of Clarke, Kimmel, Kinne, Lambert, McKlveen, McManus, Mattes, Maytag, Moon, Newberry, Nichols, Peterson, Saunders, Seeley, Smith of Mitchell, Stirton, Stookey, Stuckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton Young.—46.

The nays were none.

Absent or not voting: Senators Jamieson of Page, Jones, Smith of Des Moines.—3.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Allen offered the following resolution and moved its adoption.

*Resolved*, That Senator Allen and Senator Jones be allowed to exchange seats, Senator Jones to occupy seat No. 9 and Senator Allen to occupy seat No. 6.

Adopted.

Senator Clark offered the following resolution and moved its adoption.

*Resolved*, That Senator Clark be allowed to occupy the seat formerly occupied by Senator Crossley, being seat No. 35.

Adopted.

Senator Dowell moved that the Senate take a recess until 2:30 o'clock p. m.

Carried.

The Senate took a recess.

The Senate was called to order by President pro tem Smith.

The following communication was received from the Governor and read.



EXECUTIVE OFFICE,  
DES MOINES, IOWA, November 24, 1908.

*To the Thirty-second General Assembly of the State of Iowa:*

Having been elected to the office of Senator from Iowa in the Congress of the United States, I hereby resign the office of Governor of the State of Iowa, my resignation to take effect immediately.

ALBERT B. CUMMINS.

Senator Dowell moved that the resignation of Governor Albert B. Cummins be received and accepted.

Motion carried unanimously.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

President pro tem announced that the Senate would proceed to the House under direction of the Sargeant at Arms for the purpose of Joint Convention.

Senate proceeded to the House.

#### JOINT CONVENTION.

President pro tem Smith called the Joint Convention to order.

The roll call disclosed the following members present:

Allen, Allred, Anderson, Arney, Bascom, Bauman, Beery, Bixby, Blackmore, Bleakly, Bonwell, Brandes, Burgess, Cassady, Clark of Poweshiek, Conn, Corrie, Darrah, DeArmond, DeMar, Dewell, DeWolf, Doran, Dow, Dowell, Drury, Dunn, Dunham, Dye of Decatur, Dye of Pottawattamie Eckles, Elerick, Elliott, Ericson Feely, Felt, Fenn, Flugum, Foley, Frudden, Geneva, Gilliland, Grier, Hackler, Hambleton, Hanna, Hanson, Harding, Harvey, Heles, Holmes, Hopkins, Hughes, Hume, Inman, Jackson, Jamison of Clarke, Jamieson of Page, Jewell, Jones of Montgomery, Kelley, Kendall, Kimmel, Kinne, Koontz, Lambert, Lee, Lister, Lowry, McAllister McDonald, McManus, Maben, Mann, Marston, Mason, Mattes, Maytag, Mercer, Meredith, Miller of Dubuque, Moon, Moore, Morris, Newberry, Nichols, Nix, Offil, Paul, Peterson, Pierce, Price, Reaney, Reitz, Ritter, Saunders, Schoenenberger, Schroeder, Seeley, Shaffer, Sheldon, Sidey, Smith of Mitchell, Smith of Wright, Springer, Stewart, Stillman, Stoltenberg, Stookey, Stuckslager.

to vindicate, in some small measure, the generous confidence which you have so lavishly bestowed upon me. To you who are before me, and to them who are beyond the sound of my voice, I pledge all the strength I have in the effort to be worthy of the trust you have been willing to give into my keeping.

Speaking to those republicans, here and elsewhere, who have preferred some other candidate for Senator, I am sure you will believe me when I say that there is no tinge of ill will in my mind by reason of this natural, and, indeed necessary difference of opinion. A manly fighter leaves no wounds upon me that do not quickly heal, and no scars that do not speedily disappear. You have known me long enough and well enough to be sure that while I have loved victory, I have accepted defeat without bitterness, and that my life has never been shadowed with malice or revenge. To you, also, I have a pledge to make. I sincerely covet your approval of my work in the new field I am about to enter, and if, by diligent study of public questions, and a faithful attempt to perform my full duty, I can win it, I intend to have it. Furthermore, whatsoever I can do to commit to oblivion the acrimony of past campaigns, and to exclude it from all future campaigns, that I intend to do.

This somewhat personal phase of the occasion would not be complete without a word to the men of the democratic party with whom I have been associated in public affairs. I cannot leave the office I have held for nearly seven years without thanking them most heartily for their unvarying kindness to me, and for their patriotic and efficient assistance in the legislation that has been adopted in this period of stress and storm. To them, with like pleasure, I record a promise which shall be sacredly kept. I will hold the welfare of my country and my state high above every other consideration, and will follow truth and justice, as they appear to me, wherever they may lead the way.

The suggestion just made moves me to a further reflection upon party allegiance and fidelity. I am a party man; and in so declaring I do not disparage the unattached reformer. He may be of great value. He may be, often is, capable of high service to his fellow men. He may, and often does stir the conscience, arouse activity and purify ideals. But to create, to construct, to substitute honest and efficient civic regulation, for unjust or ineffective laws, require co-operation, not spasmodic or intermittent, but fairly permanent and reasonably continuous. Co-operation in affairs which pertain to the government means political organization, and political organization is a synonym for political parties. They are, therefore, the necessary instruments of government, and he who desires to accomplish anything must act and ally himself with that party which, taken altogether, will give to his country the wisest laws and the most abundant and enduring moral and material prosperity.

As you all know, I am, in political faith, a republican. I believe in the essential principles of that party; and I shall do my utmost to carry them into effect, for thus, and thus only, as I view my duty, can I promote the welfare of all the people. I beg to illustrate my meaning. I

am deeply convinced of the justice and wisdom of the economic system which imposes protective duties upon imports, and with my voice and vote in the Senate of the United States, I shall do everything in my power to preserve it. To me, this established policy of the republican party means duties upon competitive products high enough to fully protect the American producer in his home market against the unfair rivalry of other countries, but upon the other hand, low enough to insure to the American consumer a fair American price. I am in absolute harmony with the definition announced in the most recent national republican platform. I stand, as you all know, for a revision of the tariff schedules; an honest revision, keeping the promise to the hope as well as to the ear; a revision tested by the standard declared in the platform; and what little influence I may have will be exerted to fulfill the pledge upon which the coming administration was entrusted with political power.

I recognize, however, that but comparatively few of the problems which confront Congress are partisan in their character, and upon all questions which lie above or beyond party lines I hold myself free to act according to my judgment of the public needs. Without in the slightest degree disparaging the wonderful work done in each decade of the century and a half which practically covers our national life, yielding to the men of former times the extreme tribute that can be rendered to patriotic greatness, I think it may still be said that the decade immediately before us will be crowded with issues more vital, and with problems more perplexing, than any which have heretofore absorbed the energies of student or statesman. We are already far out upon a new and troubled sea, but we have not yet discerned clearly the port of rest and safety. We know that in the field of private industry, the corporation, which is but another term for combined wealth, skill, genius, power and experience, must be controlled, to the end, first, that it shall not dominate the government, and to the end, second, that it shall not destroy the force of healthy, reasonable competition, upon which alone those who deal with it must depend for protection from unjust exactions.

I am equally opposed to rash experiment and indifferent inaction. Step by step, carefully but resolutely taken, we must move forward. We cannot expect to see from the beginning every consequence that may follow change, and if we pause until all possibility of error be excluded, we will pause forever. You have a right to know what my general course will be upon this subject, and, reserving to myself the privilege of changing my mind whenever I am convinced that I have been wrong, I say to you that I will do what I can, first to prevent the overcapitalization of all corporations over which Congress has jurisdiction; second, to guarantee to every corporation, and individual as well, the right to use our transportation facilities upon the same terms, under substantially like conditions; third, to make more stringent still the laws which are directed against the attempt to establish a monopoly. I have long believed that eventually there must be a limitation upon the amount of capital which any corporation is permitted to employ, carefully graduated according to the business in which it is engaged. I thoroughly favor the

enlargement of any enterprise so that the maximum of economy can be attained, but beyond that limit, the growth of a corporation becomes a distinct menace to the country, without any advantage to legitimate capital.

You have heard so frequently my opinions respecting the regulation of public corporations that it is not necessary for me to repeat them at this time. We must all unite in the effort to see that they are given a chance to earn a fair return upon the value of the property used to render the service required, but we must be equally diligent to see that they are not allowed to earn more. While the amount of the charge made by these companies, and especially the transportation companies, must be kept carefully in mind, it is still more important to give heed to the distribution of their charges. We have already made giant strides toward the abolition of discrimination for or against individual patrons, but the discrimination practiced for and against localities still continues with unabated injustice. I fear that the power conferred upon the Interstate Commerce Commission in this respect will not accomplish the purpose for which it was given, and it will be well to turn our thought in another direction. I believe it is possible to so amend the Interstate Commerce law as to change the burden of proof and investigation; or to phrase it differently, to make the Commission the judge of the exception, and not of the rule. I feel, and have long felt, that our own state is, in an especial way, the object of unwarranted discrimination in interstate railway rates, and I go to my new work fully determined to remedy, if I can, the wrong under which we have so continuously suffered.

Among the many subjects which might appropriately claim my attention at this time, I shall mention but one other. The conservation of our natural resources will be prominent in the discussions of the future. They have been so abundant, and apparently so exhaustless, that we have consumed them without a thought that we were gradually impoverishing ourselves. We can already see the end of our lumber, our coal, and our iron. These are the basic materials of our growth and greatness. We cannot restore our coal and iron, but we can take measures to postpone the time at which our supply will be gone. Our forests, we can partially restore, and the government of the United States has no more sacred duty than to give back to the people, in some degree, the trees that it has squandered upon avaricious speculators. The strength of our soil must be preserved, and if he who tills it is not willing to so use it that it may go down to future generations still fruitful and productive, then the government must direct him in his energies. Our water powers must be developed, for thus only can the life of our coal deposits be lengthened.

I must not, however, detain you further. It seems to me that the years of the past, brilliant as they have been, were only periods of preparation for the present. We shall need all the virtue and all the strength that we can draw from our forefathers to equip us for the struggle which lies before us. I am wholly conscious of my inability to meet, as you would have me meet, the duties that are now confronting me. I can only again promise you that one motive, and one only, shall

inspire me,—an abiding sense of the responsibility I undertake, and a whole-hearted desire to serve the people to whom I must account.

Speaker Kendall in the chair

Senator Saunders of Pottawattamie moved that the address of Senator Albert B. Cummins be printed in the Journal.

Motion prevailed.

On motion of Dow of Franklin the Joint Convention dissolved.

The Senate returned from Joint Convention.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT,—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 5, a bill for an act to make appropriation for the expenses of the inauguration of Governor Warren Garst and other expenses.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGE CONSIDERED.

House has amended and passed Senate file No. 5, a bill for an act to make appropriation for the expenses of the inauguration of Governor Warren Garst and other expenses.

Senator Dunham moved that the Senate concur in the following House amendment:

That the title to the bill be amended by adding thereto the words:

“and for chaplains of the Senate and House of the Thirty-second General Assembly in extra session.”

Also add an “s” to the word “appropriation.”

That the following be added as section 2 of said bill and that section 2 be renumbered section 3.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred dollars, or so much thereof as may be necessary, for chaplains of the Senate and House of the Thirty-second General Assembly in extra session; war-

rants therefor to be drawn in favor of the persons entitled thereto, who shall be determined by the Auditor of State upon the certified statement of the President of the Senate and Speaker of the House.

On the question shall the Senate concur in the House amendments:

The yeas were:

Senators Allen, Bleakly, Burgess, Clark, DeArmand, DeWolf, Dowell, Dunham, Eckles, Elerick, Ericson, Foley, Frudden, Gale, Gilliland, Hopkins, Hughes, Jackson, Jamison of Clarke, Kinne, Lambert, McManus, Mattes, Maytag, Newberry, Nichols, Peterson Seeley, Smith of Mitchell, Stirton, Stookey, Stuckslager, Taylor, Turner, Wade, Warren, Whipple, Whiting, Wilson of Fayette, Wilson of Clinton, Young.—41.

The nays were—None.

Absent or not voting:

Senators Bruce, Jamieson of Page, Jones, Kimmel, Mcklveen, Moon, Saunders, Smith of Des Moines—8.

So the Senate concurred in the House amendments.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT,—I am directed to inform your honorable body that the House has passed the following Concurrent Resolution in which the concurrence of the Senate is asked:

Concurrent Resolution relative to final adjournment.

C. R. BENEDICT,  
*Chief Clerk.*

#### CONCURRENT RESOLUTION.

Resolved by the House the Senate concurring, that the Thirty-second General Assembly in extra session do adjourn sine die at 5 o'clock p. m. November 24, 1908.

#### HOUSE MESSAGE CONSIDERED.

Senate took up for consideration House Concurrent Resolution relative to final adjournment.

Senator Turner moved that the Senate concur in the House Concurrent Resolution.

Carried.

The President announced that he had signed in the presence of the Senate, Senate file No. 5.

Senator Ericson moved that a committee of three be appointed to notify the House that the Senate was ready to adjourn sine die.

The President announced as such committee Senator Ericson, Hughes, and Moon.

The committee announced they had performed that duty.

Senator Newberry moved that a committee of three be appointed to notify the Governor that the Senate is ready to adjourn sine die.

Carried.

The President announced as such committee Senators Newberry, DeWolf and Mattes.

The committee announced they had performed that duty and the Governor had informed them that he had no further communications to make.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Seeley from the committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT,—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate File No. 5, a bill for an act making an appropriation to defray the expense incident to the inauguration of Governor Warren Garst and other expenses.

W. B. SEELEY,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Seeley from the Joint Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT,—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate File

No. 5, a bill for an act making an appropriation to defray the expenses incident to the inauguration of Governor Warren Garst.

W. B. SEELEY,  
*Chairman Senate Committee,*  
PAUL E. STILLMAN,  
*Chairman House Committe.*

Ordered passed on file.

Senator Mattes moved that the Secretary of the Senate be authorized to correct the Journal of the 24th of November.

Carried.

The hour having arrived for final adjournment, the President declared the Thirty-second General Assembly in extra session. adjourned sine die.





# SENATE BILLS.

## INTRODUCTION AND ACTION.

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# SENATE CONCURRENT RESOLUTIONS.

## INTRODUCTION AND ACTION.

By Saunders. Relative to holding joint convention and inviting Governor Albert B. Cummins to read his message to same. Offered, 4; adopted, 5; House concurs, 5; passed on file, 6.		adopted, 14; House concurs, 25; passed on file, 26.
By Lambert. Relative to holding joint convention at noon, September 8, 1908, to elect senator in the congress of the United States to succeed the late Senator William B. Allison. Offered, 12; made a special order, 12; substitute offered and substituted for original resolution, 18; adopted, 19; explanation of vote, 20; House concurs, 24-25; passed on file, 25.		By Allen. Relative to holding joint convention for memorial exercises in honor of Senator William B. Allison. Offered, 24; adopted, 24; House concurs, 26; passed on file, 26; reconsidered, 27; amended and adopted, 27; House concurs, 28; passed on file, 28.
By Peterson. Relative to adoption of joint rules of the thirty-second general assembly as joint rules of extra session. Offered and		By Bruce. Fixing time for final adjournment. Offered, 63.
		By Jamison of Clarke. Fixing time for temporary adjournment to reconvene November 10, 1908. Offered, 71.
		By Dowell. Relative to appointment of joint committee on inauguration. Offered and adopted, 99; House concurs, 99; passed on file, 99.

## HOUSE BILLS.

## RECEPTION AND ACTION.

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Appointment of joint committee to prepare resolutions in memory of Hon. Lucien C. Blanchard. Received, 17; passed on file, 18; Senate concurs, 25.	Adjournment September 10, 1908, to reconvene November 24, 1908, to elect United States senator. Received, 93; Senate concurs, 96.
Appointment of joint committee to prepare resolutions in memory of Hon. M. A. Dashnell. Received, 30; Senate concurs, 30.	Extending use of basement and corridors of capitol to the National Creamery Buttermakers' Association for exhibition purposes. Received, 100; Senate concurs, 101.
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