

Address in Memory of H. W. Byers

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"O, I see the crescent promise of my spirit hath not set,
Ancient founts of inspiration, well thro' all my fancy yet."

And

"Far away beyond her myriad coming changes earth will be
Something other than the wildest modern guess of you and me."

And

"As we surpass our fathers' skill, our sons will shame our own,
A thousand things are hidden still, and not a hundred known."

And

"But if twenty million summers are stored in the sunlight still,
We are far from the noon of man, there is time for the race to grow.

* * * * *

In a hundred, a thousand winters? Ah what will *our* children be,
The men of a hundred thousand, a million summers away?"

And

"Man as yet is being made, and ere the crowning Age of ages,
Shall not aeon after aeon pass and touch him into shape?
All about him shadow still, but, while the races flower and fade,
Prophet eyes may catch a glory slowly gaining on the shade,
Till the peoples all are one and all their voices blend in choric
Hallelujah to the Maker 'It is finished. Man is made.'"

In all these coming changes, these coming ages, these things of the emerging world, there will be need of pilots, real pioneers and what multitudes of them there will be! No, the day of the pioneer is not past and the last one will not soon go. And pioneer lawmakers—how many, how many, indeed, there will be and how capable to wisely legislate through the coming years so as to adjust the myriad changes fairly and justly among the people of far away years!

No, I see no possibility that the Pioneer Lawmakers' Association of Iowa will expire for want of pioneers.

The Chair appointed as a committee on nomination of officers A. B. Funk, John C. DeMar, and Emory H. English. Adjournment was then made until afternoon.

The afternoon session convened at two o'clock when former Senator Thomas H. Smith delivered an address in memory of Howard Webster Byers.

ADDRESS IN MEMORY OF H. W. BYERS

By THOMAS H. SMITH

It was in the summer of 1878 that I first met H. W. Byers. He was then a country school-teacher, teaching in the vicinity of Shelby, Iowa, and had come to Harlan to attend a normal institute. I had just a short time before this located in Harlan for the practice of law. We were both young men and unmarried and became close personal friends,

which friendship continued up until the time of his death in 1928, a period of almost fifty years. I knew him later as a clerk, a merchant, a student of the law, and afterwards as a lawyer. He was married in our town and there he lived for many years where his family was reared. He was a man of a pleasing personality and attracted people to him. He was a good mixer, liked people, and delighted to mix and associate with them. He was a born leader and easily secured a following in anything he sought to promote or put across. He was industrious, energetic, and threw his whole soul into whatever he undertook and his sincerity and enthusiasm radiated from him and attracted people to him. He stood for the best things in life and in the community in which he lived, and when he did espouse a cause he did not simply align himself therewith to be counted, so to speak, but he contributed whatever force and influence he had to the furtherance of the cause. If he was ever known to flinch, give ground or back up, the record does not show it. He had the courage of his convictions and never hesitated to give utterance to them or to align himself in their support.

He was a progressive. He belonged to that school that believed that all the problems had not been solved by the sages of the past, but that each generation should contribute something toward the betterment of civilization and the uplift of humanity. Hence he was ever looking to the future for something for the advancement of civilization. He was a born fighter and was ever found in the front ranks on the firing line, battling for the things he believed in. He was a good sportsman—a cheerful loser as well as modest in victory. He was of a sympathetic nature and had an interest in humanity. Every child in the neighborhood knew him and to them he was "Webb." He always had a cheerful greeting for them and a sympathetic ear for their childish grievances. His home life was ideal and if you could have visited it as I have many times you would not have found any formality there but just a joyous, good-natured, happy family. Webb was interested in their games as well as their little grievances, and the children freely poured forth their childish incidents of the day to him and got an interested and sympathetic hearing.

Webb was unselfish in his nature and generous to a fault. I do not know what property he possessed at the time of his death, but whatever it was I have said it was because no friend or worthy person in need had asked him for it. For with these he would divide his last dollar.

As a legislator he was an outstanding character in the state of Iowa. And his influence and strength were given for the enactment of law for the public good. A public office he considered a public trust, and discharged his duties honestly, courageously, and to the best of his ability. As attorney general of this state he was not satisfied to sit down in his office and go through the usual routine therein, but claimed the right and felt it his duty to go out over the state wherever the interest of the public demanded it or the local official hesitated or failed to do his duty and assist or even take charge of the case and prosecute

it himself. This he did in many cases and without precedent in the state.

As a lawyer he was outstanding in the state of Iowa. I have seen men who I thought had a better grasp of the law than did Mr. Byers, but I have never seen a lawyer that was a better manager of a case than he. While he practised in our county for so many years I in many a case sat on the opposite side of the table from him, in fact more so than any of the other lawyers, and I can testify to his ability as an efficient attorney. He understood human nature and knew how facts would strike the ordinary man, and came nearer telling what a jury was going to do than any lawyer I ever knew. While as I have said other lawyers were better versed in the law itself, yet you wanted to be very careful if you sprang a law question on him that you did not make it too plain or he would grasp it and be ready to refute your position. He was what I called a good absorber. He was resourceful and could recover quickly when run in a corner.

Webb was sentimental and never forgot his old friends, associates, and the places where he had lived and familiarized himself with. As I have said he was married at Harlan, reared his family there, started in and developed as a lawyer and a man in that town, and to the day of his death he liked to consider Harlan as his home, and had a love for his old friends and associations and the memories of those days and often returned to mingle with them and view the old scenes. Only the summer before his death he told me of having driven with his wife back to Harlan and while there went over the old highways and visited the scenes of their younger days, and over to the town of Earling where he lived for a time in business, and told me what memories they awoke within him and how he was thrilled by it. It was not surprising to me then when I learned that he had expressed a wish, while on his deathbed and he knew that he must soon pass on, that he be buried in the Harlan cemetery and that he be taken there by auto over No. 7 leading from Des Moines to Harlan where he and his wife had so often passed in going to and fro between the two places. Today he lies buried in the Harlan cemetery overlooking the city where he had spent so many happy days and where he had reared his family and struggled and developed as a lawyer and statesman.

As I have said he was of a friendly disposition and got very close to his acquaintances. It was not long after meeting a person that he was calling him by his first name and with it he gave him such a friendly greeting. This was not done in a patronizing way but in a manner that made you feel that he was really your friend and that he had an interest in you. Then he was of that type and character that you did not hesitate to go to with any perplexing problem or trouble. You know there are times in almost everyone's life when he feels he must have someone to whom he can go and lay bare his soul and have a heart and heart talk together. Webb was one of those when you came to know him that you felt that you could go to and pour out your very soul in strict confidence and receive an interested and sympathetic hearing.

I have sometimes wondered just what it is that makes some men greater and stronger, bigger and different in their characteristics than others. I have concluded that it must be largely because of their environment, their associates, their habits of life, the things they do or what they read, or the time when they live, or some or all of these. But few men if any can become great within themselves; they must get out in the world, rub up against people, become saturated so to speak with the atmosphere of the time, read and study good literature and be active in the everyday life. You must come in contact with and rub up against people who know more than you do. Viewed in this light I think we can understand somewhat the characteristics of Webb Byers, some of which I have called to your attention, when we remember that he was born in 1856. This was in the pioneer days and before the election of Lincoln to the presidency, before the days of the rebellion and before the days of reconstruction. The country was but sparsely settled and everything was in the making; people had little to do with, and the many modern improvements and conveniences that we have and enjoy today and feel that we cannot get along without were not even dreamed of at that time.

I know not how his folks were fixed but being pioneers it can safely be said they were not handicapped by riches. Everybody was poor in those days, not poor in the sense that we speak of it today, when compared with the very rich, but everybody had little. This was their inspiration to labor and the basis of riches. We did not have the magnificent educational institutions we have today in the state. I doubt if there was a real college in the state of Iowa at that time, or if so there were very few. It was the day of the little red schoolhouse, and *McGuffey's Reader*—than which no better book was ever found in the curriculum of any school. In it was to be found the best of classics on patriotism, religion, morality, education, physiology, humor, and pathos and other phases concerning human life and from the very best of authors. I have no doubt that Webb in his boyhood days committed to memory at home and afterwards recited at school "Patrick Henry's Speech before the Virginia Convention," "Reinzi's Address to the Romans" and many of the classics to be found in the old *McGuffey's Fifth Reader*. No doubt many of the words he didn't understand nor grasp the thought at the time, but he had learned it, and ever afterwards it stayed with him, and in later years the meaning and beauty of it all took hold of him. We have no such literature in our schools today, but it is largely just a jingle of words meaning nothing and suggesting no thought worthy of retention.

He with the other boys and girls of the school walked to and fro and night and morning did the chores at home. He had no physical director, father and mother looking after that. Then think of being a boy and growing up in the atmosphere of those times with the rebellion coming on when everyone was a patriot and on his metal ready to fight for his country. No wonder Webb was a fighter. Living in those days

he could but absorb the patriotism and spirit of the times, all of which had to do with the moulding and developing of his character as I have tried to portray to you. These were the days of the great poets, Longfellow, Whittier, and the others, as the days of Horace Greeley, William Lloyd Garrison, Wendell Phillips, Stephen A. Douglas, Abraham Lincoln and the other great statesmen and patriots, and who could pass through those days without being affected thereby! He could but grasp and take unto himself somewhat of the spirit of the times. Then these days with their crudeness and with few things with which to do placed a man on his own resources as well as placed responsibility upon him. This could but develop the initiative and self reliance. It seems to me that in order to develop the best that there is in man he must have responsibility, and this was had in abundance in the early days. Then another thing and somewhat akin to this same thought—when he started out to practice law there were but few law books. At least in our town, and if there had been, the young attorney would not have had the wherewith to buy them. He had to think out the many intricate problems himself as well as fortify his position by arguments of his own initiative. This made him resourceful as well as a strong and original thinker. Not so today! You go into court, you must have some case to fortify your position, and woe to the attorney that has not found the case to sustain his contention! Questions arise on which no authority can be found, and if he should present it in court backed up by the best argument he can make he will be asked by the judge if he has any case to sustain that proposition, and being told not, the thing is passed up. It is not unusual under such circumstances to have the higher court say, "Counsel has presented a new and unique question and presented to the court a strong and vigorous argument in support thereof, but has cited no case to sustain his position, and the court after diligent search has been unable to find one in point," and the point is passed up undecided. You can't make lawyers and develop thinkers in that way.

Then when Webb started to practice in Harlan we had a very strong bar and it was so recognized throughout the state. Among them was Cyrus Beard, who for a number of years later was a judge in the Supreme Court of Wyoming and died a member of that court, George W. Cullison for a number of years a judge of the District Court of this state and was such at the time of his death, and Nathan W. Macy, who later served for twenty years as a judge of our District Court. A young lawyer such as Webb could not come in contact with such men as these and rub up against them in the trial court without absorbing some of their greatness and ability as lawyers. Then as I have said he had an ideal home life. He had a noble little wife—just such as you and I have. She had implicit confidence in Webb, believed in him and the things he stood for and sought to accomplish, and her faith and confidence could but be an inspiration and incentive to him in whatever he undertook. Do you know that everyone must have some one at least who believes in and has confidence in him if he ever accomplishes much. I

believe that a few of us appreciate the help that comes to us because of the good homes we have and the faith and confidence in us of the little woman who presides over the household.

Webb was past seventy-one years of age when he died but he was not an old man—a man never grows old until he arrives, so to speak, till he quits, ceases to have any interest in the things about him and is given over to the living in the past. Webb had not arrived. He took an interest in the everyday problems of life and was still contributing his talent and his efforts in trying to help solve them. He was like a man rising in the early morning with the sun and going forth to tackle the problems of the day. He was still looking to the future. Such a man never grows old.

But I have talked too long. The last time I saw Mr. Byers he came to Harlan on the invitation of the Harlan bar to give the memorial address for Judge Macy who had recently died in California. This was in the late summer of 1927. At its conclusion Webb came to me and said, "Tobe, they will be holding service of this kind for you and me one of these days and if I should go first I want you to make the address for me, and if you go first I will make it for you." In pursuance of that promise I made this address for him at Harlan and it was with appreciation that I received the invitation from your body to make the address here at this time.

With the passing of Mr. Byers, the last one of the old lawyers at Harlan of those early days, except J. R. Myerly, now at Spirit Lake, has passed to the beyond. I alone am left and when I think about it I feel much alone, much as does one who has passed over the brow of the hill and is far down on the western slope with the sun slowly sinking. Yet I have a philosophy of life, whether it be orthodox or not I do not know, that when our friends and loved ones pass away, that they are not far off—just around the corner in hailing distance—that their spirits ever hover around and about us to protect us, strengthen and sympathize with us in our trouble and sorrow. Edgar Guest has put the thought well in one of his poems found in one of his latest books, *Just Folks*, wherein he says:

"Our dead friends live and always will,
Their presence hovers round us still.
It seems to me they come to share,
Each joy and burden that we bear;
Among the living I can feel,
The sweet departed spirits steal,
And whether it be weal or woe,
I walk with those I used to know.
I can call them to my side,
When ever I am trouble tried.
I've but to wish for them, and they
Come gaily tripping down the way,

And I can tell them of my grief,
And in their presence find relief;
Thus in sacred memory here below,
Still live the friends of long ago."

Senator Smith's address was followed by remarks by Governor Clarke, A. B. Funk, H. T. Saberson, W. G. Kerr, E. C. Roach, G. M. Titus, J. O. Kasa, Thomas Geneva, and the reading of a letter from R. T. St. John by the secretary. The meeting was then turned over to Curator Edgar R. Harlan who spoke as follows:

ADDRESS OF EDGAR R. HARLAN

Charles Aldrich, in the beginning of this Portrait Division of the Historical, Memorial and Art Department of Iowa, and his successors ever since, have followed the doctrine of Thomas Carlyle to this effect, that the testimony of a sincere painter contributes to the appreciation by a historical student of persons of public interest as pen pictures of them often fail to do. So the installation of a portrait of a secretary of agriculture augments the sources of information concerning him, voluminous though they may be, elsewhere beneath this roof.

It is appropriate for me to indicate the contribution of our state to the Agricultural Department of our Federal Government. It was in the administration of Franklin Pierce that Charles Mason, whose portrait here confronts you, was placed in charge of the Bureau of Patents. It was then, as now, a bureau in the Department of Interior, but had among its functions the direction of what is now the Smithsonian Institution, the National Observatory, and other scientific work, including the germ of the Department of Agriculture.

We learn from the private papers of Charles Mason, on deposit elsewhere in this institution, that during his incumbency of the office of patent commissioner, he caused to be taken simultaneous observations of the weather at points remote from one another, then but recently possible with the telegraph. He caused or authorized many of the earliest agricultural experiments. He laid down certain fundamental principles which the Department of Agriculture practices to this day. At that time and ever since, there have been Iowa scientists of the first rank in the agricultural phases of the national government. From that time until this day there has been close contact and co-ordination between the agricultural officia's and institutions at Washington, with our own Department of Agriculture and the college at Ames.

When the Bureau of Agriculture became a department with a place in the Cabinet of the president, Grover Cleveland in the last days of his first administration appointed as secretary of agriculture, Norman J. Co'man of Missouri. Harrison appointed Jeremiah Rusk of Wisconsin. Cleveland in his second administration appointed J. Sterling Morton of

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