
“A Little Nonsense Now and Then”: Conventional Humor in Indiana, 1850

*Rowland Berthoff**

“I should not object to gentlemen indulging in a frolic of this kind were there none but Hoosiers here,” a member of the Indiana constitutional convention of 1850–1851 remarked after passage of a mock resolution (to round up absent delegates) that had provoked what the stenographer recorded as “roars of laughter, accompanied by loud knockings at the door, which caused renewed laughter.” Hoosiers might find it harmless, “but there are strangers present,” he cautioned, “and this conduct may produce an unfavorable impression on their minds.”¹

Indiana wit has been impressing the rest of the country ever since, not always unfavorably, even where “hoosier” connotes something like “redneck” or “cracker”; in Ohio in 1850 it was “Hoosier-kill-’em-all,” close to the sense of the original northern English “hoozer.”² For representative mid-nineteenth-century Indianans in convention assembled, to be a Hoosier was to be sly in something of the outwardly obtuse manner more recently exploited by such comedians as Herb Shriner or David Letterman. Did it inspire the writers of the television series “Cheers,” when casting a shrewdly naïve assistant bartender, to have “Woody” come from Posey County, deep in “the Pocket” of Indiana? As for the latest of five vice-presidents from Indiana, Dan Quayle’s odd locutions may prove less memorable than Tom Marshall’s aphorism about the five-cent cigar, but they have the ring, however inadvertent, of traditional

* Rowland Berthoff is William Eliot Smith professor of history emeritus, Washington University, St. Louis, Missouri.

¹ *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana, 1850*, (2 vols., Indianapolis, 1850–1851), I, 621 (Johnson Watts, Dearborn County). This work is hereafter referred to as *Indiana Convention*.

² *Official Reports of the Debates and Proceedings of the Ohio State Convention, Called to Alter, Revise or Amend the Constitution of the State, Held at Columbus, commencing May 6, 1850, and at Cincinnati, commencing December 2, 1850* (Columbus, 1851), 350. This work is hereafter referred to as *Ohio State Convention*. David Hackett Fischer, *Albion’s Seed: Four British Folkways in America* (New York, 1989), 756–58.

Hoosierisms.³ In my own time, fifty years ago, as a soldier (from Yankee northern Ohio), I was regularly convulsed by the laconic deadpan drawl of fellow-private Ira Bernardi, a veritable embodiment of Hoosierdom, especially when he skewered the uncomprehending new lieutenant obliged to eat with us at the single mess table on our Panamanian gun position.

To be sure, most of the speeches embalmed in 2,078 double-column pages of unleaded minion (7-point type) in the published Indiana debates of 1850–1851 are as drearily verbose as those—also recorded verbatim—in of any of the other dozen states that held constitutional conventions in the 1840s and 1850s. Virtually none indulge in the “spread eagle” bombast of the time; instead, unlike the Fourth of July or campaign-stump speaker, the plain-spoken delegates endeavored to bring the unconverted around to their position on such controversial subjects as banks and business corporations, the public debt (a pressing problem since the panic of 1837), term limits (“rotation in office”), division of power between state and localities, the property rights of wives or of blacks—indeed, exclusion of blacks from the state. Laying out fundamental republican principles, historical precedents, and the expediency of this or that proposed policy left little occasion in other states than Indiana for humor, and then usually of a well-worn sort. In Ohio the delegate was a rare bird who applied the familiar joke about the guest in a country tavern who insisted that butter and flies be served on separate plates to segregation of black schoolchildren. “Scarcer than hen’s teeth” and “in a Pickwickian sense” were unusual enough to make Ohioans laugh.⁴

In the Indiana convention such wit was much commoner and usually more original. If as composed a speaker as John B. Niles (Dartmouth graduate, railroad lawyer, and chemistry professor) was no more given to humor than his kind in Pennsylvania, New York, or Massachusetts, at least his speeches were less pedantic than some there.⁵ Even the high-minded Robert Dale Owen (femi-

³ Vice-President Charles W. Fairbanks, who stood out as the “uninspiring, distant, cold . . . ‘Indiana Icicle,’” was Ohio-born and bred. Ralph D. Gray, ed., *Gentlemen from Indiana: National Party Candidates, 1836–1940* (Indianapolis, 1977), 173–74.

⁴ *Ohio State Convention*, 312, 373, 683. For a survey of twenty-four conventions in sixteen states over a longer period, see Rowland Berthoff, “Conventional Mentality: Free Blacks, Women, and Business Corporations as Unequal Persons, 1820–1870,” *Journal of American History*, LXXVI (December, 1989), 753–84.

⁵ See, for example, *Indiana Convention*, I, 182–88, 407–409; II, 1168–73. Compare to *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution, 1837–1838* (14 vols., Harrisburg, 1837–1839), IX, 346–69, 377–93; *Official Reports of the Debates and Proceedings in the State Convention, Assembled May 4th, 1853, to Revise and Amend the Constitution of the Commonwealth of Massachusetts* (3 vols., Boston, 1853), III, 55–62; *Proceedings and Debates of the Constitutional Convention of the State of New York, Held in 1867 and 1868, in the City of Albany* (5 vols., Albany, N.Y., 1868), I, 267–72. For

nist but anti-black) and future vice-president Schuyler Colfax (problack but anti-feminist) occasionally poked learned fun at their opponents.⁶ The ordinary farmers, editors, doctors, lawyers, courthouse politicians, and former assemblymen and congressmen in the hall more than held their own.

Parliamentary procedure in Indiana was *sui generis*. Although the rules of order, the *lex Parliamentaria*, were the same as elsewhere, the stenographers' square-bracketed interpolations record a style seldom heard anywhere else: not only the "laughter" duly noted at long intervals in other states but frequent "cheers and laughter," "much merriment all over the chamber," and "renewed applause." Speeches drew cries of approbation altogether peculiar to Indiana: "consent! consent!"; "go on! go on!"; "aye, that's it, that's it"; "go it, them's the licks"; or, at least once, "spoke, spoke, spoke." Of course, there was also "no consent!"⁷

Not a few speakers, as they took the floor, responded to "the last gentleman up" with mildly derisory, if still parliamentary, banter. A delegate who had earnestly rambled on, an assembly veteran said, was like the soldier who, having prepared for "a march and a battle, if not a siege and a campaign," brooked no restraint of "his patriotic ardor. [Laughter.]"⁸ An orator struggling to wind up his remarks was compared to a hooked fish: the longer he went on, the more he appeared to "flounder 'right smart' and work to 'get shut' of the hook . . . [Laughter.]"⁹ A proposal to limit speeches to half an hour—"to tie down four-mile nags"—led, on the other hand, to the retort that it would be well for "the ponies, also, to be tied up to the rack."¹⁰ On either side, such homely images might carry the day. A delegate who denied any interest in banks other than banks of earth for raising potatoes and pumpkins drew the accolade, "Go it, Dobson. You are 'some punkins.' [Laughter.]"¹¹

Convention-floor humor Hoosierized classic themes, from the image, already old in Plato's time, of the "live eel in the frying-pan, finding the place rather too hot, [who] squirmed himself out of the pan into the fire [Laughter and applause]" to Plutarch's "fable of the boys and the frogs, though this may be sport to you it is death to us."¹² The chairman, joining in the fun, ruled an amendment out of

John B. Niles (La Porte County), see *A Biographical History of Eminent and Self-Made Men of the State of Indiana* (2 vols., Cincinnati, Ohio, 1880), II, 13th District, 46-47.

⁶ *Indiana Convention*, I, 457, 821-25. Robert Dale Owen (Posey County) was reared in Scotland, Schuyler Colfax (St. Joseph County) in New York.

⁷ *Ibid.*, I, 6-7, 259, 416, 419, 483, 826, 827; *ibid.*, II, 2028.

⁸ *Ibid.*, I, 259 (Thomas Smith, Ripley County); *A Biographical Directory of the Indiana General Assembly: Vol. I, 1816-1899* (Indianapolis, 1980), 364.

⁹ *Indiana Convention*, I, 553 (Benjamin Wolfe, Sullivan County).

¹⁰ *Ibid.*, I, 537 (Benjamin R. Edmonston, Dubois County).

¹¹ *Ibid.*, II, 1988.

¹² *Ibid.*, I, 933 (William Huff, Spencer County); *ibid.*, II, 1419 (David M. Dobson, Owen and Greene counties). See Kate Louise Roberts, ed., *Hoyt's New Cyclopedia of*

order for having no more difference from one already rejected than the “distinction between ‘tweedle dum’ and ‘tweedle dee.’ . . . [Laughter.],” words first applied more than a century before to Handel and a rival composer.¹³ A little more up to date, “a cat in the tub—a snake in the grass” doubled a metaphor from Webster’s “blue-backed speller.”¹⁴ The Rush County physician William A. Bracken seems to have been as early as anyone with the since-celebrated oxymoron “one man is as good as another, if not a little better. [Laughter.]”¹⁵ On the much discussed question of inequality between men and women, on the other hand, a delegate was content to credit “a certain Methodist divine” with “‘I say, brethren, *thank God for that variation!*’ [Prolonged laughter.]”¹⁶ In any case (here, the difference between imprisonment for fraud and for mere debt), facts had to be faced: “As the boy said, ‘I want to take the bull by the horns and push him off the bridge, or have him push me off.’ [Laughter.] If,” the aphorist added, “I must take medicine, give it to me in all its strength and naked bitterness; don’t coat it over with molasses. [Renewed laughter.]”¹⁷

Dubious historical precedents were ridiculed as very like the boy’s boast of having inherited his grandfather’s jackknife: “It has had four new handles and six new blades, but it is the same jackknife yet.”¹⁸ Last-ditch appeals in a losing cause suggested the tale of a man rescued from drowning who, reflecting “that on the whole his ducking had been rather an unprofitable operation,” sued his rescuer “for pulling his hair.”¹⁹ Another cautionary story, anticipating J. T. Trowbridge’s popular “Darius Green” by nearly twenty years, told of a man who jumped from a tree wearing a pair of sheepskin wings but who had to admit, “‘Flying goes well enough, but it is a little the roughest lighting prehaps.’ [Laughter.]”²⁰ Where-

Practical Quotations (New York, 1922), 272; John Bartlett, *Familiar Quotations*, ed. Justin Kaplan (Boston, 1992), 82. Delegates listed from more than one county represented senatorial districts.

¹³ *Indiana Convention*, II, 1220 (George W. Carr, Lawrence County). See Angela Partington, ed., *The Oxford Dictionary of Quotations* (4th ed., New York, 1992), 167. A southern Ohio variant was “twiddledeedum and twiddledumdee.” *Ohio Convention*, 330.

¹⁴ *Indiana Convention*, I, 865 (John U. Pettit, Tippecanoe County). See Mitford M. Mathews, ed., *A Dictionary of Americanisms on Historical Principles* (Chicago, 1951), 280.

¹⁵ *Indiana Convention*, II, 1636 (William A. Bracken, Rush County); *Biographical History of Eminent and Self-Made Men of the State of Indiana*, I, 4th District, 8. This antedates W. M. Thackeray’s “Irish philosopher” by ten years. *Cornhill Magazine*, I (June, 1860), 632.

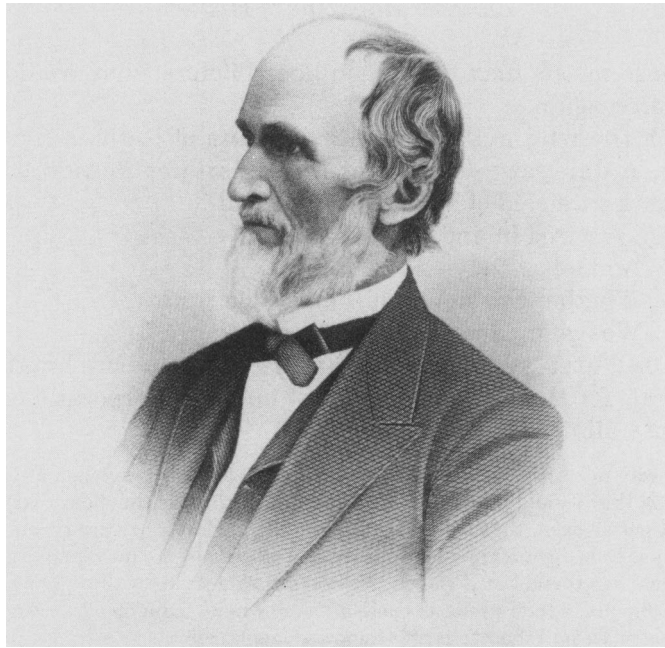
¹⁶ *Indiana Convention*, I, 518 (Edward R. May, DeKalb and Steuben counties).

¹⁷ *Ibid.*, I, 326 (Pettit). Unelaborated, “take the bull by the horns” dates from as early as 1825. Archer Taylor and Bartlett Jere Whiting, *A Dictionary of American Proverbs and Proverbial Phrases, 1820–1880* (Cambridge, Mass., 1958), 46–47.

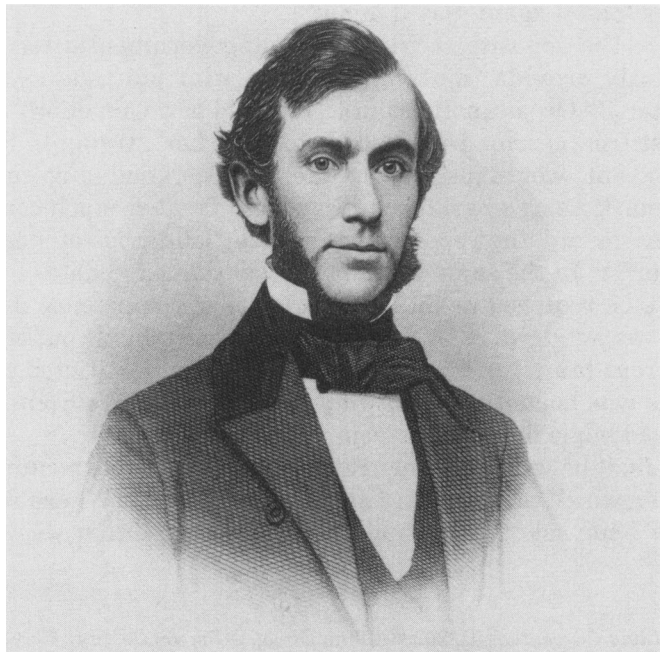
¹⁸ *Indiana Convention*, I, 146 (Pettit).

¹⁹ *Ibid.*, I, 417 (David Kilgore, Delaware County).

²⁰ *Ibid.*, I, 819 (William F. Sherrod, Orange and Crawford counties). See Roberts, ed., *Hoyt’s New Cyclopedia*, 11.



JOHN B. NILES



JOHN U. PETTIT

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ever these motifs may have been heard before, they would all be heard often again.

Both the wild and the domestic fauna of Indiana figured in debate. A delegate accused of inconsistency denied that (as Democrats once said of Henry Clay) he had

... wired in and wired out,
And left a body still in doubt,
Whether the snake that made the track,
Was going South, or coming back.²¹

Horses and oxen stood in as metaphors, in the advice offered by a Democrat, for the yet unbridled new business corporations of the time; they all needed a tight rein:

The best way to manage a horse is to commence restricting him when a colt. When very young they should be handled gently, but *bitted* while the mouth is tender. If you want gentle oxen, the best way is to yoke them whilst they are sucking calves, and tie their tails together and let them go, and when they are grown up to oxen, any boy can manage them; but if you do this when they get two or three years old they will probably break their necks, or those of their owners. [Laughter.] . . . Mr. PETTIT (in his seat): Or pull their tails off. [Renewed laughter.]²²

Against the growing power of corporations “a poor man,” another Democrat added, “will not have much more chance in this country than a cat would in hell without claws. [vociferous applause, and shouts of ‘Say it again! Say it again!’]”²³

Quite the opposite, a Whig warned; governmental regulation would only provide “material for a regular political cat fight. [Laughter.]”²⁴ Or, as another put it, it would be a vain effort “to cage the most troublesome red headed wood pecker”; trying to force “a lousy dog out” would just let “another dog in. [Loud laughter.]” (At that remark a dog’s barking in the lobby “created much confusion and merriment,” the reporter noted, and “loud cries of ‘hear him, hear him.’”) ²⁵ In the same vein, a proposal that candidates for clerk of courts be required to obtain certificates of competence from the judges was put down as an “attempt to make a whistle out of a pig’s tail. [Great laughter.]”²⁶ The rare delegate who objected to such remarks was hooted at for playing “all the variations from . . . the five-keyed bugle down to the penny whistle. [Laughter.]”²⁷

Would it be wise, as Democrats proposed, to limit the number of terms for which officeholders could be reelected? “Where was the man,” a Whig asked, “who had a good farm horse that would work

²¹ *Indiana Convention*, II, 2029 (Milton Gregg, Jefferson County). Clay’s alleged inconsistency involved tariff policy. Jefferson, Missouri, *Inquirer*, April 25, 1844.

²² *Indiana Convention*, II, 1209 (Dobson, Pettit).

²³ *Ibid.*, II, 1201 (George Tague, Hancock County).

²⁴ *Ibid.*, I, 255 (Daniel Kelso, Ohio and Switzerland counties).

²⁵ *Ibid.*, II, 1764 (William Steele, Wabash County).

²⁶ *Ibid.*, I, 842 (Kelso).

²⁷ *Ibid.*, I, 961 (William C. Foster, Sr., Monroe County).

well in his team, and plough his corn, and answer all his purposes steadily and faithfully, and without any tricks" but who nevertheless traded it for an unknown animal that might trample his corn, "break his waggon," and "probably break his neck? [Shouts of 'good!' 'good!' and great applause]."28 The reply that it might indeed be wise to replace an old horse with a young one the questioner ridiculed: would anyone "put his lady and family at the rear end of a young colt? [Roars of laughter.]"29

Although even so mildly ribald a remark was rare, it was all the more appreciated. The veteran assemblyman and congressman John Pettit of Lafayette expressed his willingness to "take the tail end of any committee" (rather than the chair), fully confident that it "would be like a Kangaroo—strongest in the hind quarters. [Laughter.]"30 If anyone could find any logic in a certain amendment, he said on another occasion, "I give you leave to kick my [loud laughter] head for a foot ball."31 When a bill had been stalled in the General Assembly some years before, another old-timer recalled, "they laid it over for one night, for the purpose, perhaps, of hugging it once more. [Laughter.]"32 An opponent of giving wives separate title to property, fearing it would increase the divorce rate tenfold, proclaimed "that the more we can unite the male and the female, the better it will be for both [great merriment], and the happier will be the female. [Boisterous laughter and applause.] I trust," he admonished, "gentlemen will hold themselves in a little. [The Hall here resounded with the laughter and applause of the members.]"33 Uniting the races was quite another matter. Negroes, so William Foster claimed to know from his early days in Philadelphia, "cannot be amalgamated, they cannot be dove-tailed in any point of view. [Great laughter.]"34

And there might be even more unspeakable differences among men. When a Whig complained that a critical newspaper, "though professedly neutral in politics, is published by a Democrat," another interposed, "It must be of the neuter gender," and yet another, "(*sotto voce*) Or perhaps the *epicene*. [Much laughter.]"35 A commoner affliction might visit any speechmaker, even Judge David Kilgore, the "Delaware Chief." An opponent jibed, "I find that when gentlemen rest over only one night they come here pretty well filled up

28 *Ibid.*, I, 289 (Steele).

29 *Ibid.*, I, 302 (Smith), 304 (Steele).

30 *Ibid.*, I, 18 (Pettit); *Biographical Directory of the United States Congress, 1774–1989* (Washington, D.C., 1989), 1639.

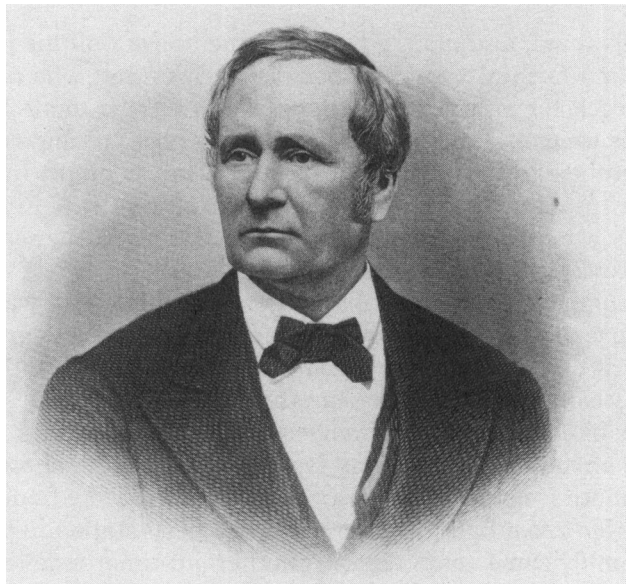
31 *Indiana Convention*, II, 2003 (Pettit).

32 *Ibid.*, I, 675 (John Zenor, Harrison County).

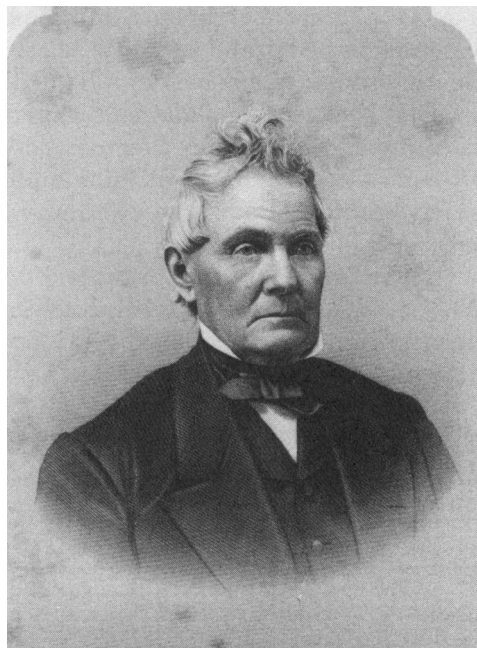
33 *Ibid.*, I, 500 (Tague).

34 *Ibid.*, I, 451 (Foster); personal data, Chris Bobbitt, Monroe County Historical Museum, letter to author, May 4, 1993.

35 *Indiana Convention*, II, 2024 (Alexander C. Stevenson, Putnam County).



THOMAS A. HENDRICKS



DAVID KILGORE

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with gas again. [Great laughter.]"³⁶ Not everything that now reads a bit risibly was so intended. When eulogizing a deceased colleague the future vice-president Thomas A. Hendricks, no humorist, observed that the man had "complained of diarrhea, but continued in the discharge of his duties" until he succumbed. No laughter was recorded.³⁷

Appeals to partisan authority got short shrift from the other side. When a Democrat recited at great length Andrew Jackson's 1832 denunciation of banks, an elderly Whig growled, "Now let us have the Song of Moses, after the Israelites had crossed the Red Sea. [Laughter.]"³⁸ Any parading of erudition invited left-handed compliments. "As great a misfortune as it is to be college bred," a member grumbled, he was willing to concede that "it was better . . . than to have no breeding at all. ['Consent'—'Laughter']".³⁹ The workingman, so said the acerbic Dr. Foster, the autodidactic erstwhile trustee of Indiana University, was at least the equal of "some men of letters who had not five ideas above an oyster."⁴⁰ The mere theorist without practical experience could take warning from ex-congressman Pettit that next spring the cows might mistake him "for a cowslip and devour him as something very green. [Laughter.]"⁴¹

There were occasional dialect stories, but aimed at political opponents, not at the misspoken Irishman or "Dutchman," not even at blacks. When one speaker wandered from the subject, he reminded the onetime Philadelphian Foster of a certain preacher who, having been invited to address a Negro congregation (where he delivered what to his mind was an excellent sermon) was taken aback to overhear "dat de white brudder had talked away a long time in a blundering manner, after a fashion."⁴² It was much commoner to criticize other delegates for "speaking for Buncombe"—for home consumption only—even, as Kilgore put it, "buncombe up to the very hubs. [A laugh.]"⁴³ (But who but constituents, a commonsensical member asked, should an elected representative speak to? In this Indiana convention, for that matter, there was sure to be present a native of Buncombe County, North Carolina, to protest members' making it "the scapegrace of all their sins.")⁴⁴

³⁶ *Ibid.*, I, 633 (Tague); *ibid.*, II, 1133 (Beattie McClelland, Randolph County), 1952 (Pettit).

³⁷ *Ibid.*, I, 556 (Thomas A. Hendricks, Shelby County).

³⁸ *Ibid.*, I, 221-22 (Daniel Read, Monroe and Brown counties), 222 (James Rariden, Wayne County).

³⁹ *Ibid.*, I, 860 (Watts).

⁴⁰ *Ibid.*, I, 954, 961 (Foster); Thomas D. Clark, *Indiana University: Midwestern Pioneer*; Vol. I, *The Early Years* (Bloomington, Ind., 1970), 65-67.

⁴¹ *Indiana Convention*, I, 149 (Pettit).

⁴² *Ibid.*, I, 39 (Foster).

⁴³ *Ibid.*, II, 1660 (Kilgore).

⁴⁴ *Ibid.*, I, 546 (Grafton F. Cookerly, Vigo County), 551 (Edmonston); *ibid.*, II, 1209 (Dobson).

The best way to send up an opponent was to make him the butt of a good story. Would his proposal "do more harm than good"? Then he was like the old woman who assisted a man who had fallen from his horse, "brushing off the mud very carefully and helping him to remount . . . ; for fear that he was not properly seated, she had to give him an extra shove, which sent the old man off on the other side, where he fell deeper into the mud than before."⁴⁵ Were some proposing to make law from exceedingly hard cases? They "might as well say, that, because a man has had a great deal of trouble in building him a house, or in clearing him a farm, nobody else shall ever build another house or clear another farm in the State of Indiana. [Laughter and cries of 'Hear him! hear him!']". Thus encouraged, the speaker narrowed the image to an unneighborly man "building him a house in the woods, and he gets his logs together, and gets them all up, and he immediately decides against 'log rolling.' [Laughter.]"⁴⁶

Such cautionary tales were not, however, to be taken too literally. Although members might recall that as boys they perhaps had begun by picking up apples by the wayside and ended by stoning the farmer out of his orchard, it did not necessarily follow that no politician, given enough time in office, could resist dipping into the public funds.⁴⁷ That a metaphor was only a figure of speech was, indeed, the point of Foster's tale of

an old Scotch parson [who] had a deacon or clerk by the name of Jemmy McFarland [and who] said to his people, "Ye are all my sheep now, and Jemmy McFarland is my wee dog to help keep the sheep in order." . . . Upon this Jemmy roused himself, and looking up into the face of the parson, he replied: "I am nae mair a dog than you are, sir." "Hoot, awa' mon," said the parson, "I am speaking but in the way of a parable."⁴⁸

The record does not show that delegate Joel McFarland took offense.

A little self-mockery did no harm. Professing not to be "one of the speech-makers of this Convention," Edward R. May, a young Yale graduate practicing law in Angola and actually one of the principal raconteurs, likened himself to the "Irishman's owl":

A certain Frenchman once had a parrot of which he was wonderfully proud. He had taught his parrot to talk a little—to scream out "fire!" "fire!" and some other phrases, not perhaps proper for this refined audience to listen to, all which, you may be sure, made the Frenchman vain enough of its wonderful qualities. In his little crowd of listeners, one day, was an Irishman, who interrupted the Frenchman's eulogies by remarking to the "jintleman" that he had a bird at home which could "bate" any man's "b-i-r-r-d" any day. "Was it a parrot?" the Frenchman asked. "My bird is an owl," said the Irishman, and then went on to tell how his owl would ruffle up his feathers, and prick up his ears, and look as wise and consequential as a judge or an

⁴⁵ *Ibid.*, I, 113 (Dobson).

⁴⁶ *Ibid.*, I, 935 (Thomas Gootee, Martin County).

⁴⁷ *Ibid.*, I, 281 (Dobson), 284 (Foster).

⁴⁸ *Ibid.*, I, 284 (Foster).

ex-Congressman. "But," asked the Frenchman, "can your owl talk like my parrot, sir?" "No," says the Irishman, "my bird cannot talk very much, but he keeps up a *devil of a thinking!*" [Much laughter.]

So too, said May, did he.⁴⁹

Like the Irish "bull," a "Dutch" anecdote could serve to deflate an opponent. What he considered the vacuousness of certain speeches suggested to the Pennsylvania-born Foster "an incident that occurred some years ago":

A very honest Dutchman was invited to a party by a neighbor who moved in a little higher circle than that in which he was accustomed to move. He determined to accept the invitation, and thought he would conduct himself with great propriety. He said to himself that, when he would go to the door, he would knock very politely, and inquire: Is the Colonel at home? That he would then pay his respects to the lady of the house; and, once obtaining admission, he would pay particular respects to the young ladies. Well, he had all this in his mind, was perfectly prepared to conduct himself with great propriety, dressed himself in his best clothes, went to this neighbor's house, knocked at the door, and, by some unfortunate accident, had forgotten all his previous arrangements; and all that he could say when his knock was answered was, "Who keeps the house?" [Laughter and applause.]⁵⁰

Incredibly promising schemes, such as one that claimed that the State Bank would, as a Democratic opponent put it, be "making money [taken] from the people for the benefit of the people," reminded him of a story he had "once heard":

An aged farmer who was excessively proud of his children, and was always lauding their sharpness and capacity for business and trade, praised in a very particular manner one transaction which occurred between his three sons. It was a very rainy morning, and they could not work out of doors. They went, however, to the barn to attend to their cattle before breakfast, and that being done they went to trading with each other. Well, all the capital they had to trade upon was their jackets, and by way of showing their skill in bargaining they sold and re-sold, and swapped and re-swapped their jackets until each one had gained three dollars profit on his operations, and when all was concluded each had his own jacket. [Laughter and applause.]⁵¹

Simple answers to what seemed intractable problems, such as the proposal to bar free blacks from entering Indiana, reminded even a delegate sympathetic to it of "an anecdote which I once heard of a Kentuckian. [Cries of 'hear him, hear him,' and 'let's have it']":

Well, the man in Kentucky was thanking his Maker for the good soil, and the extensive range, and the large quantities of corn they raised; yet, he said, there was one important obstacle in the way of continued success. He remarked to the Lord that the Indians discommoded them very much. "Well, now," says he, speaking to the Lord, "What shall we do with them? We cannot rid ourselves of the difficulty. Noth-

⁴⁹ *Ibid.*, I, 516, 518 (May); *Biographical Directory of the Indiana General Assembly*, I, 267. May had the distinction of being the only delegate to vote for black suffrage. *Indiana Convention*, I, 239, 245, 253-54.

⁵⁰ *Indiana Convention*, II, 1462 (Foster).

⁵¹ *Ibid.*, II, 1455-56 (Pettit).

ing short of Thy power can do it. Thou canst take them and curse them, and damn them, and blow them up like peelings of onions." [Roars of laughter.]⁵²

On the other hand, convoluted discussion of so trivial a question as whether to move to another hall recalled to a former assemblyman a two-day debate, at a cost to the taxpayers of \$300, over buying a \$1.50 thermometer for the House:

And one member . . . absolutely opposed the proposition on the ground that he did not believe there were ten members in the House who knew how to wind the d----d thing up, or set it right if it should get out of order, and that it would become necessary to hire an extra hand to keep it properly regulated.

The tale, for the truth of which others vouched, raised "much laughter."⁵³

Among the delegates themselves such denseness seems to have been more than a joke. One notion, which hardly occurred to anyone in other state conventions, simply would not down no matter how often its weakness was exposed. It concerned eminent domain, the power of government or a corporation chartered by it to seize private property needed for a new canal or railroad. Elsewhere usually the only question was whether the required fair compensation should be paid before or after construction. In Indiana, procorporate speakers not only beat back demands that payment come first, they insisted that the eventual benefits that the property owner would enjoy made it unnecessary to compensate him at all. In other states the fallacy, once explained, seems to have been obvious: that neighbors whose land was *not* taken would enjoy the same benefits without any loss. In Indiana this had to be repeated half a dozen times in the course of a five-day debate; not until someone thought to ask how the property owner would benefit if *all* his land were seized did the point get through. Were those Hoosiers who clung so long to the notion deliberately evasive (even the astute Niles tried to raise it again much later), or were they as peculiarly obtuse as they seem?⁵⁴

Most propositions, to be sure, were debated as plainly, pro or con, as anywhere else in the nation. Owen's resolution for more equal property rights for wives, successive versions of which failed by only a few votes, occasioned an intense twelve-day debate stretching over four months.⁵⁵ Amid all the impassioned, sometimes sentimental, sometimes bitter appeals for protection of mistreated wives and widows, the integrity of the family, and recognition of women's alleged "nature," a comic set-piece by George Tague of Greenfield, May's chief rival as a calculated humorist, provided a

⁵² *Ibid.*, I, 633 (Steele).

⁵³ *Ibid.*, II, 1227 (Gregg).

⁵⁴ *Ibid.*, I, 353-62, 363-75, 382-94, 396-420, 422-32, 436-38; *ibid.*, II, 1814.

⁵⁵ *Ibid.*, I, 114-16, 462-86, 497-535, 797-99, 805-30; *ibid.*, II, 1153-96, 1387-88, 1875, 1896-1900, 2011-13.

generally welcome interlude. Tague's speech included a story suggesting that a little husbandly tact would be enough to make Owen's reform unnecessary:

A gentleman was once married to a lady of considerable property, who was himself poor. Immediately after the marriage, he fixed his house up in fine order, selecting expensive furniture, and paying for it with the lady's money. Afterwards, upon a certain day, they had many visitors to call on them, and the husband was showing the furniture of the house, and everything that was splendid and valuable, in the equipage, with which he was furnished, and calling it all his own.—My fine side-board, my splendid carpet, &c.: and, no doubt, he did very wrong to talk in this way. Well, after the visitors had left, the lady took occasion to tell the husband that he should have said, "these are our things;" and not that "they are my things:" and there was certainly some justice and right in this appeal. But finally, they got into a quarrel, and then they got to fighting about the matter; and the lady, happening to have more physical strength than the gentleman, she actually flogged him like all natur—[a laugh]—she got the advantage of him so far that she absolutely kicked him out of doors, and shut the door in his face. The gentleman, finding himself badly whipped, gathered himself up and sat upon a stump near by—(that is the way they tell the story). There he studied about the matter, and finally determined to leave the lady who had taken it upon herself to treat him so harshly. But how was he to proceed? He was kicked out of doors, and his hat was still in the house. He could not leave without his hat; so he marched up, cautiously, and slipped open the door, just far enough to speak to his conqueror, and, looking in timidly upon his wife, he ventured to say to her, "My dear, will you please to hand me our hat:" [Merriment.] Well, the manner of this salutation of her husband, rather pleased the lady. She was pleased with the idea of his coming over to her views, so far as to say "our;" and it put a smile upon her face; and, seeing a smile upon the face of his wife, the gentleman at once gave over his resolution to leave. And, from that day to this, (as the story concludes,) when speaking of anything pertaining to the common house-hold interest, he has never forgotten to say "our." [Renewed merriment.]

Tague on another occasion excused himself as, "by birth, a Dutchman [who] cannot speak the English language with the plainness that should always mark the efforts of public speakers"—actually, he was born in North Carolina of Pennsylvania German ancestry. "A Dutchman," he claimed, "is permitted to speak twice upon a subject, and . . . to occupy the floor until he can make himself understood."⁵⁶

Storytelling was infectious. Even the austere intellectual Owen, when objecting to an incongruous amendment to a proposed section, resorted to the tale of "a school boy who was very fond of fruit."

He walked into the room of the schoolmaster, and found there a magnificent bunch of grapes. He coveted the grapes, and his mouth began to water to taste them. Said he, "If anybody knows any just cause or impediment why these grapes and my mouth should not be joined together in the holy bonds of matrimony, let him declare it, or henceforth forever hold his peace." No response being heard he proceeded to devour the grapes. The schoolmaster happened at that moment to be entering the

⁵⁶ *Ibid.*, I, 417, 500-501, 633 (Tague); *Biographical Directory of the Indiana General Assembly*, I, 382; personal data, Eric L. Mundell, Indiana Historical Society, letter to author, March 13, 1993.

room, and having heard what had been said by his pupil, he proceeded to adopt the same formula. Seizing a rod he said: "If any body knows any just cause or impediment why this rod and this boy's back should not be joined together in holy matrimony, he will now declare it." Said the boy, "I do." "What is the reason?" demanded the master. "Because," said the boy, "the parties do not agree." [Laughter] Now it is exactly so in regard to this amendment and the section. The parties do not agree.

If the parable was weak, the fact that Owen used it may have helped defeat the questionable amendment.⁵⁷

Two quite serious proposals for reform were offered, and rebutted, in deliberately humorous style. Tague, seeking to free litigants from the time and expense imposed by courts and lawyers, put his motion for greater equity in terms of "abolishing the common law of England."⁵⁸ A barrage of light-hearted amendments followed: to abolish it "*in* England"; "forever to abolish logic and the mathematics"; to add "and also Queen Victoria and the Fugitive Slave Law"; "and abolish the practice of manipulating [Roars of laughter]"; "and the chills and fever"; to "inform Her British Majesty, by telegraph, that the common law in England is abolished" ("agreed to, amidst renewed shouts of merriment"); and "so as to make hickory bark peel the whole year round . . . MANY VOICES: 'Consent.'"⁵⁹ Promptly reported out of committee of the whole "with forty amendments," Tague's resolution was mercifully tabled.⁶⁰

A much longer debate was accorded a related but straightforward resolution that legislation should be "plainly worded, avoiding, as far as practicable, the use of technical terms in the Latin, or in any other than the English language". [Cries of 'No! no!' and 'Consent.']"⁶¹ Although the learned Niles objected that English had been vastly enriched by foreign words, the proposal was approved, 109-21, on first reading. To lawyers' pleas that *viva voce*, *ex post facto*, and *certiorari* were indispensable, a young delegate from Wells County retorted that "Dutch phrases" would be better understood there; though not German himself, he obliged a challenger with the information that "the Dutch for *viva voce* is *lebendige sprach*."⁶² Another member chimed in that Latin "['jaw-breakers,' as we call them—[a voice—'that's the word,' and 'go ahead,' and 'knock 'em down']— . . . are put into our statutes to prevent the honest yeomanry of the country from understanding them. [Ironical cheers.]"⁶³

⁵⁷ *Indiana Convention*, II, 1401-1403 (Owen).

⁵⁸ *Ibid.*, I, 66 (Tague).

⁵⁹ *Ibid.*, I, 722 (Thomas W. Gibson, Clark County), 723 (Samuel I. Anthony, Lake, La Porte, and Porter counties), 724 (Robert H. Milroy, Carroll County; Foster; Kilgore; Alvin P. Hovey, Posey County; Joseph H. Mather, Elkhart and Lagrange counties).

⁶⁰ *Ibid.*, I, 724.

⁶¹ *Ibid.*, II, 1128.

⁶² *Ibid.*, II, 1128-29, 1130 (Erastus K. Bascom, Wells and Adams counties); personal data, Jim Foster, Wells County Historical Society, letter to author, May 3, 1993.

⁶³ *Indiana Convention*, II, 1131 (Steele).

But did not every trade and profession have its jargon? A printer, if a newspaper paragraph was to be believed, might instruct one of his compositors in no less arcane language:

Tom, put General Washington on the galley, and then finish the murder of the young girl you commenced yesterday. Set up the ruins of Herculoëneum—distribute the small-pox, and you need not finish that runaway match—have the high water in the paper this week. Let the pie alone till after dinner—put the barbecue to press, and then go to the devil and he will tell you about the work for the morning.⁶⁴

Still, if both lawyers and printers would agree to speak more plainly, a farmer-delegate offered to "dispense with 'gee,' and 'haw,' and to say 'go right,' or 'go left.' [Great laughter.] . . . We will dispense with 'wo,' and say 'stop,' or _____ [The nearest the reporter can get at the expression is *zie, zie, zie*,] and to use the words 'go along.' [Renewed laughter]."⁶⁵ After Irish-born delegate Beattie McClelland suggested simple translations for *nisi prius, nunquam indebitatus, probus et legales homo, volenti non fit injuria*, and half a dozen more bits of "Law Latin"—all as corrupt, he said, as "College Latin,' 'Medical Latin,' . . . and 'Dog Latin' [Great applause and laughter]"—a lawyer-delegate moved that "all names commencing with 'Mac' shall be hereafter rendered into good English. [Continued laughter and applause.]"⁶⁶

Daniel Read, professor of classics at the state university, objected that it would make about as much sense to say that, instead of "oxygen" and "hydrogen," "*sour making* and *water making* are the elements which form water." He found, in fact, ten words with Latin roots in the resolution before the house. "[A Voice. Well strike them all out.]"⁶⁷ Latin legal terms, another agreed, were merely names that no more needed translation than "cow" needed to be called an "animal with horns, which gives milk, and has a long tail," [laughter] or "hog . . . an animal with bristles, which has a strong disposition to grunt." [Laughter.]⁶⁸ (The amended section was nevertheless approved on second reading, 104-19.)⁶⁹ Subsequent discussion of the bill of rights produced, as an equivalent for *habeas corpus*, "have the body" (hostile amendment: "have his carcass") as well as, by the college-bred and for once quite serious May, "writ of *deliverance*."⁷⁰ (In the end the resolution failed, and both *habeas corpus* and *ex post facto* appeared in the constitution.)⁷¹

⁶⁴ *Ibid.*, II, 1132 (Hiram Prather, Bartholomew and Jennings counties).

⁶⁵ *Ibid.*; *Biographical History of Eminent and Self-Made Men of the State of Indiana*, I, 3rd District, 30.

⁶⁶ *Indiana Convention*, II, 1133-34 (McClelland), 1137 (John S. Newman, Wayne County); personal data, Monisa Wisener, Historical and Genealogical Society of Randolph County, letter to author, July 6, 1993.

⁶⁷ *Indiana Convention*, II, 1134 (Read); Clark, *Indiana University*, I, 73, 88.

⁶⁸ *Indiana Convention*, II, 1135 (Kelso).

⁶⁹ *Ibid.*, II, 1141.

⁷⁰ *Ibid.*, II, 1382 (McClelland, Gibson), 1385 (May).

⁷¹ *Ibid.*, II, 2067.

May's speech supporting Owen's resolution for equality for women also had a serious purpose, asking "woman to recollect that from the exercise of man's rights and privileges would result certain duties, from the performance of which she must not seek to shrink." He could not, however, resist poking a little ingratiating fun at himself. Confession that he was an "old bachelor" (of thirty-two), he said, "Perhaps, sir, this is not the first time that a member has argued himself into a conviction that he fully understands a subject concerning which others can see that he really knows nothing at all [great laughter]." He intended to "vote, sir, as I should wish woman to vote, were I to put the question to her, as man sometimes puts the question. I shall vote, 'aye,' every time [Renewed merriment.]" He concluded by requesting that his stand-up monologue not be recorded "[Cries of 'no consent,' 'no indeed.']," lest his constituents think him not only "a little 'cracked'" on the subject but, "as the Scotchmen say, 'gane clean daft,' the English of which, I believe, is 'stark staring mad' [laughter.]" The members let it stand.⁷²

The most extraordinary piece of mockery—in the Indiana convention or in any other of the time—protested a two-day intrusion of national politics into the drafting of the state constitution. A Whig resolution, intended to split pro- and antislavery Democrats and Free Soilers, called on all sections and parties to adhere to the just-enacted federal Compromise of 1850, most specifically the Fugitive Slave Act.⁷³ Only superficially in fun, attorney Joseph H. Mather of Goshen—who, as "one of the youngest [age twenty-five] and least experienced members," usually confined himself to minor procedural motions—remonstrated, although a Whig himself, by moving a substitute "resolution as *is* a resolution":

THAT WHEREAS, Abby Kelly Folsom [*sic*], and Elwood Fisher, George Thompson of England, Wendell Phillips and wife of Boston, General Quattlebum [*sic*] of South Carolina, Gen. Quitman and wife of Mississippi, and others, are designing and traitorous men, and are raising a particular fuss generally, at this particular period of time; therefore, this Constitutional meeting, in Convention assembled, declares:

1. That the Union *am* in danger.
2. That from and after the first of January next, there shall be a general time of peace and whoever shall attempt to contravene this decree, shall be hung without benefit of clergy.
3. That a copy of these resolutions be sent to the Superintendent of each Asylum for Insane in the United States.

The resolution was "received amidst much merriment"—but quickly tabled, although a motion to expunge it as a blot on the journal

⁷² *Ibid.*, I, 517, 519 (May). Married the next year, May and his wife died three years later in Minnesota. *Biographical Directory of the Indiana General Assembly*, I, 267.

⁷³ *Indiana Convention*, I, 744, 865-929; Logan Esarey, *A History of Indiana* (2 vols., Indianapolis, 1918), I, 517-18.

was also rejected. (The partisan scheme failed in that its stated principle of obedience to law, any law, prevailed too easily [90-26]. Mather, however, along with Colfax and three others, two of them also soon to be Republicans, explicitly "declined voting.")⁷⁴

For a splenetic Indianapolis newspaper to accuse the delegates of consuming "hour after hour . . . in fun, revelry, vulgar anecdotes, stamping, hallooing, &c." was justified only by comparison to other state conventions.⁷⁵ Still, there were times when "stamping of feet and thumping on the benches, and a variety of other noises" (to the point, as the stenographer duly noted, of "disorder unabated") forced certain cantankerous Whigs, helplessly fulminating about the Democratic "*mob*," to relinquish the floor.⁷⁶ The more resilient veteran Pettit retaliated, when the day came for general good feeling and formal votes of thanks, by moving to acknowledge some delegates "for their lucid and instructive speeches, and others for their consummate impudence, and others for being quiet and doing nothing at all . . . [NOT adopted]."⁷⁷

Earlier, far more dire results had been predicted: that the debates, when published, would prove "the greatest slaughter-house of politicians ever erected in the State . . . The self-forged weapons . . . will hereafter be known by the title of FOWLER'S BOOK OF MARTYRS [immoderate laughter], illustrated and embellished by the portraits of about one hundred and forty of the victims . . . [Roars of laughter]."⁷⁸ The only regret of the historian, after laboring through the heavier stretches of debates recorded in other states, is that the promised Indiana portraits are missing after all. They might have helped explain these Hoosiers, so many of whom have left little personal data other than their spoken words.

Is it perhaps significant that some of the wittiest were "born and raised" not in Indiana nor in Virginia, the Carolinas, Kentucky, or Ohio, the usual sources, but in Connecticut, New York, or Pennsylvania?⁷⁹ Delegates to conventions back home seldom spoke as they did. Did Indiana make Hoosiers of them? Or is their Hoosier character—and that which endures—a special distillation of the American vernacular of their time, much of it now lost even to com-

⁷⁴ *Indiana Convention*, I, 195, 894 (Mather), 917 (Rariden); personal data, Raymond Jorgerson, Elkhart County Historical Museum, letter to author, May 24, 1993. The Goshen, Indiana, *Democrat* commented, "Next move, we suppose, for Joseph, will be to take the 'assembled wisdom' out a sniping." December 11, 1850. Mather died in 1859.

⁷⁵ *Indiana Convention*, I, 745.

⁷⁶ *Ibid.*, II, 1589 (Cookerly), 1735 (Rariden).

⁷⁷ *Ibid.*, II, 2014 (Pettit).

⁷⁸ *Ibid.*, I, 380-81 (Gregg).

⁷⁹ May, Hartford, Conn.; Pettit, Sackets Harbor, N.Y.; Mather, Minisink, N.Y.; Foster, Philadelphia, Pa. *Biographical Directory of the Indiana General Assembly*, I, 267; *Biographical Directory U.S. Congress*, 1639; *An Illustrated Historical Atlas of Elkhart County, Indiana* (Chicago, 1874), 49; *Indiana Convention*, I, 451.

plers of dictionaries of quotations? Whatever the answer, the young Yale-bred lawyer Edward May summed up as well as anyone what has distinguished many a Hoosier, even some Hoosier statesmen, then and since:

A little nonsense now and then

Is relished by the wisest men.⁸⁰

In Indiana, as nowhere else, deliberate nonsense was cause for unsuppressed merriment.

⁸⁰ *Indiana Convention*, I, 519 (May). The couplet has been attributed to a pre-nineteenth-century nursery rhyme. Burton Stevenson, ed., *The Home Book of Quotations, Classical and Modern* (New York, 1947), 1409.