Courts and Lawyers of Indiana

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PREFACE

The preparation of a work such as the "Courts and Lawyers of Indiana" has been a task which has involved a large amount of labor. Upon consenting to become the editor-in-chief of this work, I did so with the understanding that I should have the privilege of choosing the best qualified men in the state to assist me. I fully realized the immense amount of investigation, the digging into musty records and compiling of data which was necessary to such an undertaking. When the work was broached in the summer of 1913, there were available two men who had received the Doctor's degree at Indiana University, both having specialized in Indiana history and who, by their training and experience, were especially qualified for the work. Fortunately, it was possible to secure the services of Dr. Logan Esarey and Dr. Ernest V. Shockley, and whatever merit these volumes may contain is due to the indefatigable efforts of these historians. During the progress of the work, over which I have exercised editorial supervision, there have been many suggestions made by lawyers from all parts of the state, some of which, with suggestions of my own, have been incorporated in the work.

I feel that the lawyers of the state will find this a valuable and interesting work of reference. I wish to thank those who have so heartily co-operated in the preparation of the "Courts and Lawyers of Indiana."

Leander J. Monks

INTRODUCTION

This history of the courts and lawyers of Indiana is intended to chronicle the achievements of the members of the bar of the state during a century and to set forth in a concise manner the development of the courts of the state. During this period of one hundred years two state constitutions have been made and a large body of statutory law brought into existence. The lawyers have taken a commendable part in framing the organic law which has made possible the society which has been developed in Indiana. In politics and war they have been leaders; in educational and religious affairs they have been reliable sustainers; in all worthy enterprises they have been aiders and abetters. These facts have materially widened the scope of this work.

The authors have had no inclination to color the story with either praise or blame, but rather to let the records speak for themselves. Such coloring is the material in which novelists largely deal and the writers of this history have had no desire to rival them in their own field. Such writing is very easy as compared with the work of collating the facts from a large mass of public and private documents. A single elusive fact will often lead a trained investigator a merry chase for days at a time through the dusty pages of musty records.

It is a fact that very little work which could be relied upon has been done in this field. In the "Bench and Bar," published in 1895, Judges Banta and Thornton have written some excellent dissertations on various phases of the court history of the state. In the "Proceedings of the Indiana State Bar Association" are also many excellent articles pertaining to the courts of the state. Otherwise, the authors have had to rely on the official records, contemporary newspapers, memoirs, communications by letter and personal interviews. Among the most valuable of the many volumes which have

been consulted is the "Early Indiana Trials and Sketches," by O. H. Smith. Of the official records, the Session Laws, Indiana Reports, Legislative Journals, manuscript records of the United States District and Circuit Courts of Indiana, the official records in the state house and in the various county court houses have been freely consulted.

The authors are not so inexperienced as to hope that in this long and difficult investigation mistakes have not been made. They are, however, hopeful that a profession which has developed the very rules of evidence which historians use, will be patient of mistakes made and, instead of condemning the effort here made, will lend a hand in helping to correct the record. Facts have been gleaned where possible from the official record, but it is a sad commentary on some of the courts of the state that their records are often very illegible.

No attempt has been made to compare the bar of Indiana with those of other states. Such a comparison, if made, would not yield anything of great value. Such continual reference is made in one state to the law and practice in others; there is such close kinship of all to the parent law of England, and such constant circulation of lawyers among the different states, that no such differentiation has arisen as exists between the bars of England and France, or between those of Germany and America. The common supremacy of the Federal courts and the great law schools also tends to minimize and discourage any tendency to variation that might arise. It may, however, be said that in the old days such lawyers as Smith, Blackford, Dewey, Eggleston, Jernegan and Parke successfully upheld the dignity of the Indiana bar. In these latter days such lawyers as Harrison, Voorhees, Turpie, Gresham and Elliott achieved national reputations.

A word should be said in regard to the sketches of the hundreds of lawyers which have been included in the history. Many of these have been submitted to the lawyers in question, while many more have been written from the best available data at hand. All lawyers have experienced difficulty in getting witnesses to testify truthfully from memory. Men now living have been mistaken in reporting the number of terms they had served in Congress or the number of terms and the

years they had sat upon the bench. Such facts, of course, can be checked up from the official record, but in some instances even this is fallible. In many cases the authors have had to accept such evidence as they could get from county newspapers and histories in regard to the admission of lawyers to the bar, the time and place of their admission and such other meager facts as have been indicated.

It has been manifestly impossible to include every worthy lawyer in the state. The limits of these volumes have not permitted the chronicling of the achievements and biographical details of the more than thirty thousand lawyers who have practiced in the state during the past century. A hasty reference to the tables of courts, judges, prosecutors, congressmen, senators, etc., will give an idea of the magnitude of the work done by the courts and lawyers of Indiana. The scores of published volumes of the Supreme and Appellate court decisions show the work of these courts. But the records of the Circuit, Common Pleas, Superior, Criminal, Juvenile, Probate, City and Justice of Peace courts have never been printed—and they have handled tens of thousands of cases. It is very evident that it would have been impossible to study thoroughly all these cases or consult all of the thousands of volumes of papers and documents constituting their record. Such a study would be intensely interesting, but would require years of patient work by a professional investigator.

In the biographical section thousands of meritorious lawyers have doubtless been omitted. Many lawyers have devoted their lives to the practice without ever holding any office that would bring their names into public notice. No doubt many of those far excelled in professional skill some of the judges and other officials whose biographies have been included. This is true in all professions. Merit does not always receive a public recognition or a historical record. The work and lives of such men linger for a time in their immediate neighborhood as a beneficent memory; and then, as it always has been and always will be, even the memory disappears. Such has already happened to hundreds of early lawyers and is happening today to hundreds of others. But they have not for that reason lived in vain; the profession is better for their

work; society is better for their lives. Their achievements have been merged in that vast undifferentiated mass which we call civilization. In fact, civilization consists for the most part in the contribution of these unknown workers.

This history is sent forth with the hope that it will give to the people of the state a general view of our courts and the men who have made them what they are today. No other state has ever attempted a work of this character and the authors have been necessarily compelled to blaze their own path. How well they have done it may be seen by the reader who peruses the following pages.

LOGAN ESAREY, PH. D.
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ERRATA.

In the compilation of the judges, prosecutors and other judicial officials of the state, their names and tenures of office were taken from the official records in the office of the secretary of state at Indianapolis. Many of the names were either incorrectly spelled or so illegibly written that mistakes in spelling were unavoidable. Later, after much of the material had been printed, errors in spelling were found and the subjoined list presents those names which have been found to have been previously misspelled. The second given spelling in each case is the correct form.

PAGE EMENDATIONS.

320—Third line, Eichorn for Eichhorn.
320—Twelfth line, Lewis B. Ewbank for Louis B. Ewbank.
325—Forty-second line, George W. Breman for George W. Beeman.
325—Second line, Sparks L. Books for Sparks L. Brooks.
328—Twenty-sixth line, B. F. Harnes for B. F. Harness.
328—Twenty-third line, Elliott H. Hooten for Elliott R. Hooton.
329 and 721—Twenty-ninth and thirteenth lines—W. A. Kettinger for W. A. Kittinger.
331—Twenty-fifth line, William F. Parrott for William F. Parrett.
333—Twentieth line, Frances M. Thompson for Francis M. Thompson.
333—Thirty-fifth line, Henry L. Unger for Harry L. Unger.
543—Thirteenth line, J. red Fritche for J. Fred Fruchte.
614—Fifteenth line, Joseph Coombs for Joseph Combs.
645—Twenty-sixth line, James P. Rose for James D. Rose.
713 and 899—Fifth and thirty-fifth lines—Ambrose M. Cunning for Ambrose M. Cumming.
911—Fortieth line, Henry F. Helwig for Harry F. Helwig.
925—Seventh line, Arthur E. McCarty for Arthur E. McCart.
947—First line, Kerr Taylor for Kerr Traylor.
947—Third line, Bomar Taylor for Bomar Traylor.

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Sketches of lawyers are indicated with star (*).

Courts and Lawyers of Indiana

CHAPTER I.

Courts of the Northwest Territory—1787-1800.

The most enduring monument of any state is its system of laws. The fame a state has achieved and the rank it attains in civilization are determined more by its judicial system than by any one of its other institutions. The Laws of Moses, the Code of Hammurabi, the Laws of Draco and Solon, the Twelve Tables, the Magna Charta are the keys that unlock the character of the states these several codes represent. No history of one of these states would be considered worthy of notice which did not deal largely with its codes and the systems based thereon. The Mosaic Code permeates the Bible. The philosophies of Socrates, Plato and Aristotle are in a very real sense elaborations of the Codes of Draco and Solon. The so-called Laws of Lycurgus are a vivid description of Spartan character. Rome's lasting influence on the world emanates from her laws and systems of laws—the Edicts and the Pandects and the Institutes—all based, more or less remotely, on the Twelve Tables. The principles of the Magna Charta form the groundwork of the social organization of the whole English-speaking world, now occupying almost three whole continents.

It is customary to give these codes specific names, as if they were the work of a single man, done at a given time and place. No more erroneous conception of these great landmarks could be entertained. They are invariably the work of generations of men, perfected during the lapse of ages, the result of numberless strivings and much bitter experience.

Those customs which, after long use, have been found good, are incorporated in these fundamental laws and so a code grows from year to year and from century to century. It would be no more accurate to say the boy of ten was the same as the sage of eighty than to say the Laws of Numa were the same as the Institutes of Justinian, yet in each case the one grew imperceptibly into the other.

The most stubborn conflicts of history have occurred over the laws and courts—the Constitution of society. Men look upon their courts and laws as the expression of their national or social character. A changing and uncertain system of laws indicates an unstable people, a vacillating character, light and frivolous. For these reasons, changes in fundamental laws are apt to be resisted much as individual persons resent aspersions on their own private character and reputation. The Civil Wars of Rome, the French Revolution, and our own War between the States are instances of how tenaciously the people oppose sweeping changes in their national laws and courts. It is pointed out by historians that the strong nations of the world are those which have best preserved their legal systems through long stretches of time. The American Colonies in the great Declaration called the world to witness that England had violated the principles of her Common Law, the preservation of which, in the eyes of the colonists, was worth more than the preservation of their own lives.

Courts and lawyers are as a rule conservative. There are several reasons not only why this is so, but why it should be so. The law follows the old maxim of trying all things and holding fast to that which is good. "Weary lawyers with endless tongues" have pleaded before perpetual courts since the dim dawn of history. All manner of theories and rules have been advocated by attorneys to settle all kinds of disputes. From the maze of these pleadings, courts have been compelled to choose what rules seemed best. They have learned to hold fast to their ancient landmarks until their footing on the new was secure. Then, also, widespread property interests depend on the abiding nature of the law. A slight change in a rule of law may require vast changes in business and society. Such change necessarily must be made

slowly, else both business and society give up in despair and become either anarchistic or hopeless. The result in either case is disastrous. A third cause of the conservatism of courts and lawyers is found in the nature of the education of lawyers. Until quite recently the great majority of them have been educated by "reading law" with older lawyers. This traditional teaching is essentially conservative. The courts in their decisions must give heed at all times to previous decisions, otherwise unendurable chaos in society would result. On the other hand, courts are ever on the alert to re-interpret laws to meet new conditions or new inventions.

A society hardly can be said to be civilized until it has some established means by which personal or business difficulties may be adjusted—some kind of legal system. If this be a just observation, then the civilized existence of society in Indiana began, in theory, July 13, 1787, when the Confederation Congress enacted the Ordinance of 1787. There had been civilized people in the land for almost a century preceding, but the inhabitants of Vincennes had no system of legal tribunals to which to answer. The authority of the priest and the military commandant went unchallenged. When Virginia organized the country in 1778 and 1779 as the county of Illinois, John Todd was sent out as civil governor. Before he could accomplish much he lost his life in the Battle of Blue Licks, August 18, 1782. The statute under which Colonel Todd acted provided that the laws and customs of the French inhabitants should remain in force. A so-called "Court of Vincennes" was organized at Vincennes in June, 1779, but the only important business carried on by it seems to have been the granting of land. As a conservator of the peace or a dispenser of justice this court is hardly worthy of consideration.

As mentioned above, the first systematic government of Indiana, founded on general laws and competent courts, dates from the passage of the Ordinance of 1787. Among other provisions, the Ordinance directed Congress to appoint "A court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their office; and

their commissions shall continue in force during good behavior." All judicial proceedings were to be held "according to the course of the common law." Complete religious freedom was guaranteed to all persons.

The three Judges together with the governor were also authorized to "adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved by Congress." "For the prevention of crimes and injuries, the laws to be adopted shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions." The general guarantees of English civil liberty were reënacted, slavery was prohibited, and primogeniture abolished. Thus was a competent court provided and a comprehensive jurisdiction established for the whole Northwest Territory of which the present Indiana was a part.

Congress lost little time in putting the contemplated government into action. The settlers on the north side of the Ohio were demanding a government. Therefore, on October 5, 1787, Congress selected for the difficult work of inaugurating the first colonial government of the United States Gen. Arthur St. Clair, a Scotchman by birth and a soldier of the French and Indian and Revolutionary Wars. Eleven days later, Congress selected as the three territorial Judges, Samuel Holden Parsons, John Armstrong and James Mitchell Varnum. On the 16th of the following January, Armstrong declined the appointment and John Cleves Symmes was appointed instead. On July 9, 1788, Governor St. Clair arrived at Marietta, the capital of the Northwest Territory. Six days later he read a proclamation formally instituting the new government.

As soon as the new Constitution of the United States became operative it was necessary to reorganize the Marietta government. President Washington reappointed most of the territorial officers in 1789. William Barton was appointed to succeed Varnum, who had died January 10, 1789. Barton declining to serve, the position was filled by the appointment

of George Turner. Judge Parsons, having lost his life while trying to swim his horse across a swollen stream, was succeeded by Rufus Putnam in 1790. Putnam continued in office six years, when he resigned to become surveyor-general. He was followed by Joseph Gilman. Judge Turner became involved in a quarrel with his constituents and resigned in 1796. Return Jonathan Meigs took his place. Meigs, Gilman and Symmes continued to serve till after the division of the territory in 1800.

The first collection of statutes adopted for the Northwest Territory was known as the Maxwell Code, from the name of the printer in Cincinnati. It was published July 14, 1795. These, however, were not the first statutes adopted by the governor and Judges. They had met at Marietta in 1788 and passed ten statutes. Other legislative sessions were held from time to time down till June 1, 1795, when Governor St. Clair and Judges Symmes and Turner met at Cincinnati and adopted from the laws of the states thirty-eight statutes. By far the greater number of these were taken from Pennsylvania. In 1798 the general court met again at Cincinnati and adopted eleven brief amendments to the Maxwell Code, thus completing the law-making for the Northwest Territory, while Indiana was a part of it. The general nature of this code will be discussed later, since it formed, in large part, the basis for the courts and pleadings of early Indiana Territory. The laws passed by the first session of the General Assembly did not generally go into force in Indiana Territory on account of the separation occurring so soon afterward (May 7, 1800).

The first courts of the Northwest Territory were constituted by an act of the Old Congress, August 23, 1788. A general or circuit court was established for the entire territory. This court, held by all members sitting together or by one alone, was the highest trial court in the system. It met annually at Marietta in October, at Cincinnati in March and at Detroit, Vincennes and Kaskaskia, when one of the Judges was able to reach those places, an event very problematical. The lesser courts had no jurisdiction in Indiana and will not be described here.

Dr. S. P. Hildreth, in the *American Pioneer*, gives the fol-

lowing description of the opening of the first court at Marietta, September 2, 1788:

"The procession was formed at the Point [where most of the settlers resided], in the following order:—1st, The high sheriff, with his drawn sword; 2nd, the citizens; 3rd, the officers of the garrison at Fort Harmar; 4th, the members of the bar; 5th, the supreme judges; 6th, the governor and clergymen; 7th, the newly appointed judges of the court of common pleas, Gen. Rufus Putnam and Benj. Tupper.

"They marched up a path that had been cut and cleared through the forest to Campus Martius Hall [stockade], where the whole countermarched, and the judges [Putnam and Tupper] took their seats. The clergyman, Rev. Dr. Cutler, then invoked the divine blessing. The sheriff, Col. Ebenezer Sproat, (one of nature's nobles), proclaimed with his solemn 'O yes' that a court is opened for the administration of even-handed justice to the poor and the rich, to the guilty and the innocent, without respect of persons; none to be punished without a trial by their peers, and then in pursuance of the laws and evidence in the case. Although this scene was exhibited thus early in the settlement of the State, few ever equaled it in the dignity and exalted character of its principal participators. Many of them belong to the history of our country in the darkest as well as the most splendid periods of the Revolutionary War. To witness this spectacle, a large body of Indians was collected from the most powerful tribes then occupying the entire West. They had assembled for the purpose of making a treaty. Whether any of them entered into the hall of justice or what their impressions, we are not told."

The old pioneer was proud of the performance and hangs lovingly on the picture. One does not have to point out that we here have, at the very beginning of the judicial life in the Northwest, a union of the ceremonial spirit of New England with the courtliness of Virginia.

The General court, or, as it was generally called, the Territorial court, corresponded most nearly to our Circuit court. It was a Common Law tribunal without chancery powers. It had original as well as appellate jurisdiction in all civil and criminal cases. In capital and divorce cases it possessed exclu-

sive jurisdiction. It differed from our Circuit courts chiefly in that it was a *dernier ressort*. It could revise and reverse the decisions of all courts below it, even though one of its own justices had presided. Even the Supreme court of the United States could not review its decisions. This last condition gave it a very possible means of tyranny. Congress restricted those who practiced at its bar. This court was also a legislative body with ample power. The fact that it administered these same laws without the right of appeal from its decisions made it a very possible means of tyranny. Congress had restricted the court in its legislative capacity to the power of choosing laws already in force in some state. The court disregarded this limitation and in its earlier years legislated like a sovereign body. A brief comparison of the early laws with those from which they were supposed to be drawn will show in a brief time the liberty it assumed.

Many of the lawyers chafed at this unwarranted power, but all recognized their helplessness, since no appeal might be had. Another circumstance added to the dissatisfaction on this point. Many of the cases brought before the court, especially at Marietta and Cincinnati, related to land deals. In these cases it often happened that one of the Judges, or frequently the whole court, was directly interested. Judge Symmes was the proprietor of all the land between the Big and Little Miami. He had seized a large tract of land to the east of this grant and had set his surveyors to work. The Governor had ordered him to stay off, but the Judge went on and sold the land. Judge Turner purchased a large tract of land from Symmes. Varnum, Putnam and Parsons were all connected with the Ohio Company. The attorneys might well despair of winning a land case against such a court. However, excepting an occasional flurry, the court and attorneys got along amicably during the twelve years while Indiana was a part of the Northwest Territory.

The Judges of the Territorial court were men of distinction and widely recognized ability. Parsons was born in Connecticut, graduated from Harvard, and began practicing law in 1759. He served in the Legislature of his native state, and rose to the rank of major-general in the Revolutionary army,

serving on the commission that tried Major Andre. Armstrong, who served only a few months, was a Pennsylvanian by birth, a student at Princeton, a soldier of the Revolution, later a United States senator, and minister to France at a most critical period. He is well known as an author. Varnum was from Massachusetts, a graduate of Brown, and a soldier of the Revolution. He served in the Continental Congress, and was one of the first lawyers of his day. Symmes was a New Yorker by birth, had sat in the Continental Congress and at the time of his appointment was serving as a judge in New Jersey. Gen. Rufus Putnam's name and career are too well known to all readers of United States history to require a sketch here.

Return Jonathan Meigs was a native of Connecticut, and a graduate of Yale. He was the most famous of this group of men, all of whom are well known to fame. After his service on the bench, he sat on the Supreme Bench of Ohio, served as governor, became a United States Judge in Michigan Territory, a general in the War of 1812, a United States senator, and a cabinet member under Madison and Monroe. All were high-class men. Among the practicing attorneys also were many noteworthy men, but further notice of them would be out of place here. One of them, Jacob Burnet, of Cincinnati, a native of New Jersey and a graduate of Princeton, in his "Notes on the Northwestern Territory," has left us the best extant description of this old court.

Riding the circuit in the old days was not an unmixed pleasure. In passing from one county seat to another it was often necessary to spend ten or twelve consecutive nights in the wilderness. The party usually consisted of the three Judges, a clerk, young Arthur St. Clair, and from five to ten attorneys. No lawyer thought of staying at home and practicing in his home court only. In making the trip from Marietta to Cincinnati, the trail—only a bridle path through the woods—led across at least a score of streams, varying in size from a small mill stream to the Scioto river, the largest of which had to be crossed by swimming their horses. The attorneys carried their books and papers in old-fashioned leather saddlebags. In swimming the streams they put these around their necks to

keep the papers dry. They usually carried provisions for themselves and horses for the entire trip, and slept in the open air, with their saddles for pillows and their cloaks for coverings. In spring and fall the traveling was not so disagreeable, but in hot or cold weather it was—in winter, on account of cold, in summer, on account of mosquitoes and chiggers. The following short sketch from Jacob Burnet's "Notes on the Northwestern Territory" is worth preserving for the picture it presents:

"On our return journey from Detroit to Cincinnati we crossed the Maumee river at Roche de Boeuf by the advice of Black Beard, a personal friend [Indian] of Judge Symmes, who lived in that neighborhood, and with whom the party breakfasted. As a matter of precaution we hired his son to accompany us in the capacity of guide. He led us through a succession of wet prairies, over some of which it was impossible to ride, and it was with great difficulty we were even able to lead or drive our horses through the deep mud which surrounded us on all sides. After two days and a half of incessant toil and difficulty we arrived at the same Indian village in which we had been so hospitably treated and so much amused on our outward trip. To our great mortification and disappointment we were informed that Blue Jacket had returned from Cincinnati a day or two before with a large quantity of whiskey and that his people were in a high frolic. This information was soon confirmed by the discovery that the whole village, male and female, was drunk. We were received, however, with great kindness, but it was in a style we were not disposed to permit.

"An old withered-looking squaw, very drunk, was extremely officious. Knowing that Mr. St. Clair, one of the party, was the attorney-general of the Territory and son of the Governor, her attentions were principally conferred upon him—she kissed him, and exclaimed 'You big man—governor's son,' then turning to the rest of the party, said with marked contempt, 'You be milish,' and then kissed Mr. St. Clair again. It was certainly one of those rare occasions, on which men of sensibility and delicacy feel the advantage of being placed at a low grade on the scale of dignity.

"It was manifestly impossible to remain in the village, and the only alternative was to proceed on our journey. It was late in the afternoon; we were much fatigued, and had a wet swampy path of twelve miles to pass over, to the St. Mary's through a valley swarming with gnats and mosquitoes. It was a choice of evils; but as there was no room to hesitate, we saddled our horses and started. Night overtook us in the middle of the swamp. There being no moon, and the forest very dense, it was found impossible to keep the path, much less to see and avoid the quagmires on every side. We had no alternative and were compelled to halt till morning. To lie down was impossible, from the nature of the ground; and to sleep was still more difficult, as we were surrounded with gnats and mosquitoes. After remaining in that uncomfortable condition five or six hours, expecting every moment our horses to break away, daylight made its appearance for our relief. About sunrise we arrived at the old fort, Adams, at the crossing of the St. Mary's, then occupied by Charles Murray and his squaw, where we got breakfast, and proceeded on our way to Cincinnati."

Governor St. Clair made no effort to extend civil government to the western part of his territory till the beginning of 1790. Leaving Marietta about the first of January, he proceeded down the Ohio to Cincinnati where he organized Hamilton county; on January 8 he reached the rapids at Fort Steuben, now Jeffersonville. He did not lay out a county for the settlers on Clark's Grant, but he did organize a court, the first court of the Northwest Territory organized in what is now Indiana. William Clark, of Clarksville, was appointed justice of the peace and captain of the militia of the town and vicinity. John Owens was made lieutenant. It seems that the William Clark above referred to was the youngest brother of George Rogers Clark, though it may have been the William Clark who was appointed Judge of Indiana Territory in 1801, or it possibly may have been the William Clark who was surveyor-in-chief of Clark's Grant, and who had his headquarters at Clarksville. Among the residents of Clarksville in 1784, both William Clark and John Owens are given. Whoever the justice, the court seems to have had little business, if indeed

it continued its existence down till the organization of Clark county. The Governor tarried only a short time at the Falls and then proceeded on his way to the Illinois country. He fully intended to go from Kaskaskia to Vincennes, but the threatening condition of the Indians made it necessary for him to return directly to Fort Harmar at Marietta.

When Governor St. Clair returned to Ohio he left Winthrop Sargent, his secretary, with instructions to go to Vincennes and organize a local government. Sargent set out at once for Vincennes, where he arrived in a short time and (June 20, 1790) laid off the county of Knox. Its ample boundaries included most of Indiana and Illinois, comprehending all the settlements in what is now Indiana. On the Ohio river it took in the northern bank from the Great Miami, in Ohio, to Fort Massac, in Illinois. John Small, a gunsmith and a local politician, who later served in the Legislature of the Northwest Territory, was appointed sheriff. John Mills was made notary, a position of some importance among the French inhabitants.

On July 3, Acting-Governor Sargent organized the County court for Knox county. The Judges of the Common Pleas court were Pierre Gamelin, Louis Edeline and James Johnson; the Justices of the Quarter Session were Antoine Gamelin, Paul Gamelin and Francis Busseron. A Probate court was established and Antoine Gamelin appointed Judge; Samuel Baird was made prothonotary and clerk; John Mills was made recorder of deeds; James Johnson and Luke Decker were named justices of the peace; and, last of all, Christopher Wyant was named coroner.

No wonder the poor French settlers of Vincennes at once petitioned Congress to be relieved of the blessings of freedom and self-government! They were accustomed to an inexpensive government, very much resembling the manorial system of the Middle Ages. The law of the land since the time of Crozat had been called rather grandiloquently the *Coutume de Paris*. Evidently no one knew what the "customs" of Paris were, so the commandant and priest, who, together, had been the whole government of the French settlements for nearly a century, had administered the *Coutume de Pays*, or customs of the country, somewhat after the fashion of the Common Law.

The French had come to America during the *Ancien Regime* and consequently were not imbued with any of the republican principles of the revolution. They saw no need of either laws or law courts and a lawyer was to be avoided of all men. The majority of the first court officers were French and showed no capacity for political affairs. The government soon fell into the hands of the Americans, where it remained.

Whether they were responsible or not, there was certainly plenty of work for these first Indiana courts to do. Conditions at Vincennes, so far as lawlessness was concerned, were about as bad as could well be imagined. No higher tribute can be paid to the early lawyers of Indiana than is involved in a comparison of Vincennes at the time of the visit of Count Volney, with it in 1810 after an American court had been in power ten years.

Vincennes after 1790 was also the seat of a Circuit or Territorial court such as met at Detroit, Marietta and Cincinnati. The visits of the Supreme Judges of the Northwest Territory were most especially noted for their infrequency. It was stated in Congress, while discussing a separation of the Northwest Territory in 1800, that during a period of five years there had been in the three western counties of Knox, St. Clair and Randolph only one session of a court having competent jurisdiction to try and punish felons. Such a country, of course, soon became a rendezvous for criminals of the worst type. The Judges are hardly to be blamed. The distance from Cincinnati to Vincennes by river was about one thousand miles; from Marietta to Kaskaskia, over one thousand five hundred miles; from Detroit to Vincennes, over five hundred miles through an unbroken wilderness. The same neglect was often observed in the local courts. Offices were left vacant for years because no one would perform the unpleasant and unpopular duties for the meager pay offered.

There was apprehension at Vincennes from the very beginning of the Northwest Territory. Many of the inhabitants were slaveholders and there was uncertainty as to how the Judges would construe the provisions of the Ordinance of 1787 with regard to slavery. Under the French kings the French settlers had held slaves unmolested. Most of the early Amer-

ican settlers at Vincennes were likewise not averse to the practice and were holding slaves at the time. Large numbers of the French on this account moved across the Mississippi into Spanish territory, where they were assured that all their rights would be respected. Other masters freed their slaves after binding them by indentures. Still others, chiefly Americans, decided to face the threatening danger boldly. Of the latter class, Judge Henry Vanderburgh, a Revolutionary veteran of New York, was a good example. It may be observed here that all the Supreme Judges of the Northwest Territory were men of pronounced anti-slavery sentiments. Governor St. Clair had expressed it as his opinion that the Ordinance of 1787, which prohibited slavery, was not retroactive; that while it might and would prevent slaves being brought into the territory, it could not free those already held therein when the law was enacted. While this assured the people somewhat, it did not entirely allay their fears, since they knew it was a matter for the courts and not the governor to decide. Vanderburg, who had brought slaves with him to Vincennes, was not averse to a contest with Judge Turner, who held court in Vincennes in 1794. Moreover, Vanderburgh at the time was Probate Judge, Justice of the Peace and one of three commissioners empowered to sell liquor to the Indians. The difficulty is not explained fully in the correspondence, but it seems that Vanderburgh prevented the sheriff (his friend) from carrying out orders of the higher court. Judge Turner denounced the Probate Judge to Governor St. Clair and threatened impeachment. The Governor, who opposed Turner's interpretation of the law, succeeded in quieting the matter at least for a time. However, an Illinois grand jury, incited by the proslavery faction, presented to Congress formal charges against Vanderburgh, but before they were brought to a trial Turner resigned.

Judge Turner also attempted to break up the illicit liquor traffic then going on with the Indians. His investigations soon led him to Capt. Abner Prior as the head of this trouble. Prior was also one of the liquor commissioners and at the same time a captain in the regular army in the company stationed at Fort Knox, a few miles above the village. Again the governor tried

to quiet the matter, but without success. When the quarrel was at its height the company of soldiers was removed and the issue was never brought to trial.

These and a score of other cases which might be recited show how onerous was the task imposed on the early courts of the Northwest. The Judges had a most important mission to perform in reducing a lawless people scattered over a wilderness empire to the restraints of orderly society. It was most fortunate for the young states about to be created that the Judges were men of sterling character and fearless courage.

A brief survey will show what a large part the Judges and courts played in local territorial government. Circuit courts, as stated above, were established throughout the territory in the county seats. Only a territorial Judge could preside over these. For this purpose the Judges rode the circuit. One Judge could hold these courts, though frequently two or more sat together. Besides the regular sessions, supposed to be quarterly, the Judges could hold special sessions when occasion warranted. These special sessions were called "jail deliveries," being usually called when the sheriff notified the Judge that several prisoners were in jail; especially was this advisable if one of the prisoners were a murderer or horse thief who would probably hang.

The highest of the local courts were the Common Pleas and the Quarter Sessions. The former was a civil court, having jurisdiction over civil pleas between citizens of the same county. In the unsettled society of the frontier there was endless litigation for this court. It ranked somewhere between our Justice court and the county Circuit court. It was very difficult in Vincennes in the early days to get competent Judges for this court. Three Common Pleas Justices usually sat together, one of whom should be a lawyer, though one of them, the lawyer, frequently held court alone.

The Quarter Session courts were of equal rank with the Common Pleas and usually presided over by the same Justices. They had jurisdiction over petty crimes and misdemeanors, such as gambling, provoke, assault and battery, and drunkenness. There were three of these Justices for each court, any

one of whom could issue a common law writ for apprehending a criminal and receive bail after the culprit was arrested. For reasons of convenience it was desirable to select these Justices from the various parts of the county. If the evidence showed that a felony had been committed the Justice "bound over" the criminal to the Circuit court.

These minor courts, which ought to have been as free as possible in their action, were limited by all the formalities of the Common Law and many to which the Common Law was a stranger. Of the thirty-eight laws found in the Maxwell Code, not fewer than thirty deal directly with court procedure and the limits of jurisdiction.

The whole local government was in the hands of the Justices. Under the Act of 1788 one or more Justices could hear petty cases out of court time. Their criminal processes ran in every county in the territory. All debt cases where the sum involved was not over five dollars came under their cognizance. They could force jurors to sit, under penalty of a heavy fine. In many cases the board of Justices served as county commissioners. Where this was not the case the Justices appointed the commissioners, one of whom they named each year to serve three years. If any public improvement were contemplated by the county, such as building a bridge or a court house, it had to be decided upon by the board of Justices. The Justices received the wolf scalps and gave the owner an order on the county treasurer therefor. For each township they appointed annually two overseers of the poor, who levied the poor rate, looked after the poorhouse, paid out all public charities and cared for orphans, always subject to the control of the Justices.

The Justices of the Quarter Sessions appointed all fence viewers. The latter, in turn, had the power of saying what a legal fence was. The Justices recommended tavern keepers to the governor, by whom they were licensed. After the tavern keeper had secured his license he must go to the Justices to get his rate card, specifying the exact amount to be charged for each and every service. It was also the Justices' duty to see that this rate card was observed. Under the gaming law the Justices could summon anyone except a freeholder before

them and put him under bond for good behavior. The Justices clearly held the future of the government in their hands. Nor was this extraordinary. In all the southern colonies, as well as in England, the country squires were the conservators of peace and order. This was not a condition created in opposition to the will of the people. The Justices as a rule were the substantial citizens of the community and performed these judicial functions, not for any gain in sight, for the pay was inconsequential, but purely from motives of public spirit.

Very much has been said, ignorantly, about the harshness of the laws of the Northwest Territory. Judged by our standards of today, they do seem harsh. But marvelous progress has been made in the century since then. In the field of transportation, we have the automobile in place of the ox team; in wearing apparel, we have broadcloth in place of buckskin; on the farm we have the harvester in place of the sickle; we have the breechloading gun instead of the flintlock; we have hotels instead of hollow trees for the travelers.

Why should not also lawyers and law courts make some progress in such a wonderful age? The cruelty of the laws of the Northwest Territory of 1790 must be judged not by the laws of today, but by the laws elsewhere in 1790.

England at this time boasted of two hundred and twenty-three capital crimes. There are scarcely that many crimes known to our courts today. Hangings were a daily attraction at the larger English prisons. Charles Wesley, in 1776, said he preached a sermon to about twenty condemned criminals and they all died penitent. A third of a century after 1790, conspirators were hanged and decapitated, and their bloody heads exhibited on posts at Temple Bar, London. The criminal law of America has never been so bloodthirsty as that of England, but still one is not struck with its gentleness. In Massachusetts, Connecticut and Rhode Island, so late as 1789, there were ten capital crimes. Delaware had twenty-four. A number of these latter were occasioned by the institution of slavery.

An excellent view of the criminal law of the period can be had by a study of Jefferson's attempt at that time to reform the criminal law of his state. Jefferson, as is known of all

men, was a humanitarian far in advance of his time. His reform would most certainly be in the direction of leniency and amelioration. His principle of punishment was to suit the punishment to the crime. Thus one who killed by poison should die by poison; the duelist who killed his man was to be left hanging on the gallows-tree till the birds picked his bones; every person who maliciously maimed another should be maimed similarly. Larceny was to be punished by the pillory; public deceivers should be ducked and whipped. The stocks, ducking stool, branding iron, whip, cropping knife, jail, rope, wheel, stake and cage were all known in America and most of them in use. Negroes were still burned at the stake in Delaware and New York; it was even provided that in aggravated cases they should be burned with green wood so as to prolong the misery.

Another line of reasoning will show that the Northwest courts were not more barbarous than other courts. Congress limited the Judges in their lawmaking capacity to the selection of laws then in effect in older states. It follows that the most atrocious laws cannot be worse than the worst in some of the states. The character of the Judges warrant the inference that the common good of society was the leading purpose in their legislative activity.

Imprisonment for debt, even as low as five dollars, was the law; petit larceny drew a penalty of fifteen lashes well laid on the bare back, together with a payment to meet the expenses of the whipping. A law of 1798, passed by the Territorial Legislature, provided that anyone guilty of maiming or disfiguring another might be imprisoned for six months and then sold to the highest bidder as an indentured servant for a period of five years. A law of 1792 provided that "there shall be erected and established in each and every county not having the same already established therein a good and convenient court-house for the legal adjudication of causes and a strong and sufficient common jail or prison for the reception and confinement of debtors and criminals, well secured by timber, iron bars, grates, bolts and lock, and also a pillory, whipping post, and so many stocks as may be convenient for the punishment

of offenders and every jail so to be erected shall consist of two apartments one of which shall be appropriated to the reception of the debtors and the other shall be used for the safe keeping of persons charged with crimes." A law of the same session provided that if a prisoner escaped by reason of the negligence of the jailer, the latter should pay whatever fine or suffer whatever punishment was due the escaped criminal. In view of these and other instances which might be given it becomes apparent that the laws and the court procedure were barbarous enough.

The Marietta statutes of 1788, which were in effect only a short time, defined nine crimes, for two of which there was no penalty provided. Three of these were capital—treason, murder, and arson if a death resulted. Fine, imprisonment as long as forty years, and thirty-nine stripes were the punishments for burglary and robbery. A perjurer was in hard luck. He could be fined, given thirty-nine lashes on the bare back, disfranchised and put in the pillory. The thief was fined and whipped; if unable to pay the fine, he could be sold for seven years to someone who would pay the fine. The forger was fined, disfranchised and put in the pillory. Fifty cents was the first fine for drunkenness, one dollar for the second. If the fine was not paid the culprit must go to the pillory. Profanity and Sabbath breaking were pointed out in a law as practices unbecoming a good citizen, but no penalties were defined. Had these offenses been made punishable in the western counties the courts would have been overwhelmed.

As stated above, the Justices controlled the politics, what little there was, even down perhaps till the Civil War. They virtually appointed the tavern keeper, who in his turn controlled the rowdies of the neighborhood, The sheriff was frequently not in sympathy with the Judges of the Circuit court, whose processes he was supposed to carry out. An echo of this is seen in the law of 1792, which virtually compelled the sheriff to take the place of the escaped criminal. On the other hand, the sheriff may easily have been blamed in those old times for many jail deliveries which he could not possibly prevent. A jail hastily constructed of green poles, with a des-

perate criminal on the inside and his friends on the outside, was at least a precarious situation for an honest sheriff.

The West at that time was full of desperate criminals. This condition was not peculiar to the Northwest. Every frontier is largely a dumping ground for the social misfits of settled society. In the history of crime there are few worse criminals to be found than the professional horsethief. The Northwest was full of them. They continued to infest the country until the railroad and telegraph made their business impossible. Counterfeiters rendezvoused in the wilderness and deluged the back country with their spurious products. Less skilled thieves were satisfied with stealing cattle and hogs, which ranged the forest half wild. Another class of criminals frequently in evidence, though rarely convicted, carried on illicit trade with the Indians, using liquor as a means of debauching the Indians and cheating them out of the furs they had collected.

In concluding this chapter, it is only justice to acknowledge the deep debt of our state to the pioneer courts and lawyers. The lawyers were by far the best educated class of men in that early society. The struggle which they carried on successfully with the powers of crime and confusion required not only professional skill and great physical courage, but it also required the vision of seers who could see in that wild society the possibilities of great states. It required skill and patience to discern the good and the evil, discrimination to separate them and, while driving out the vicious, to nurture carefully the forces of progress.

CHAPTER II.

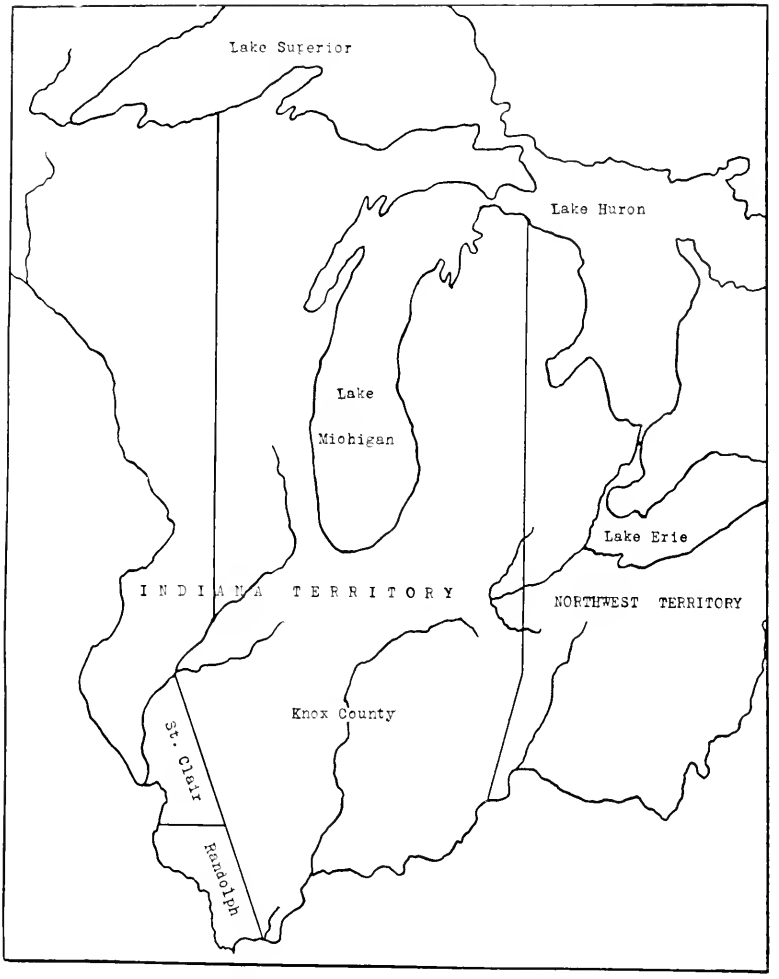
COURTS OF INDIANA TERRITORY—1800-1816.

GENERAL CONDITIONS.

While a discussion of the bar of Indiana is not strictly a part of this chapter, it is manifestly impossible to get a clear idea of courts without some knowledge of the character of the lawyers who constitute them. Courts are neither better nor worse than the lawyers who conduct them.

The first General Assembly of the Northwest Territory had enacted a strict law governing the admission of attorneys to practice. One of these provided for a residence requirement of one year; another requirement was a four-year course of reading under a practicing attorney. After this the applicant had to undergo a rigid examination by the Judges. The second act of the Governor and Judges of Indiana Territory, January 20, 1801, repealed both the above provisions. Why this change was made does not appear conclusively, though one cannot avoid the suspicion that the early Judges of Indiana Territory were men of lesser ability than their predecessors of the Northwest Territory. Governor Harrison was not a lawyer, and military men as a rule have not had very much patience with the refinements of the law. William Clark, Henry Vanderburg and John Griffin, the territorial Judges, were not lawyers of the first rank, such as had graced the courts of the Northwest Territory. It must not be expected then that the courts of Indiana Territory ranked in ability with those of the older territory.

On the other hand they may have gained in directness what they lost in polish and formality. The old territorial courts had failed in what is now Indiana and Illinois. The



INDIANA TERRITORY, 1800.

By Ernest V. Shockley.

highly formal and specialized courts which were understood and appreciated by the New Englanders in Ohio found no response among the Southern immigrants who made up the larger portion of the settlers in Indiana Territory. The same observation is true with regard to the French at Vincennes, Cahokia and Kaskaskia.

One of the chief reasons for dividing the Northwest Territory had been the failure of the courts to enforce the law. The old territorial court had found it impossible to visit the western settlements often enough to enforce any respect for its authority. Not only the lawless element, but even the inferior Judges and county officers, often found themselves in opposition to the territorial Judges. It has already been noted how Judge Turner stirred up so much trouble on one of his western trips that he was threatened with impeachment and finally forced to resign. The trouble was not only in the natural lawlessness of the frontier and the distance from the territorial capital, but, to a considerable degree, it lay in the attitude of the people themselves toward courts and lawyers. The New England settlers in Ohio came, many of them directly and the others indirectly, from long-settled communities where law courts and lawyers were regarded with a veneration closely approaching that paid the clergy. The settlers of Indiana and Illinois, on the other hand, might be called "professional" or "chronic" pioneers. For a century they and their ancestors had rarely felt the restraining hand of the law. The few lawyers they had known had little dignity and much less learning. Each settler was accustomed to do that which seemed right in his own eyes, restrained only by his own sense of justice, which was usually keen, or by fear of summary punishment at the hands of a vigilance committee. One who does not realize this deep difference between the settlers of Ohio and Indiana will not appreciate the debt due the Indiana courts.

The Act of May 7, 1800, which provided for the organization of Indiana Territory, stipulated that there should be established in the new territory a form of government in all respects similar to the one organized in 1788 in the old territory. This was guaranteed and demanded by the Ordinance of 1787. Even in appointing the officers for the new territory,

President Adams observed the different character of the population of the two territories. Harrison, Gibson, Clark, Vanderburg and Griffin were all typical pioneers.

John Gibson, the secretary of Indiana Territory, a Pennsylvanian, brother-in-law of the Mingo chief, Logan, an Indian trader and a frontiersman, arrived at the Indiana capital in due time and, acting as governor, proclaimed the new government on July 4, 1800. The simplicity, informality and noiselessness of the whole proceeding is in marked contrast to the pomp and ceremony observed at Marietta twelve years before. The secretary's itemized accounts in the *Executive Journal* resemble in form a fur trader's journal. In the whole chronicle, covering the history of the government from July 4, 1800, to November 7, 1816, there is nothing but the briefest statement of acts done in the simplest way. It is strictly a pioneer chronicle. There was no bluster, no parade, no pomp, but the government nevertheless was very busy.

When the Northwest Territory was divided there was no break in the administration of the laws. The new territory took advantage of the Northwestern Code, which had been perfected by the two sessions of the first General Assembly of the Northwest Territory. It will be remembered that the governor and Judges had no power to enact a law, but must content themselves with choosing statutes from the older states. By accepting the work of the General Assembly they thus secured a code for Indiana Territory adjusted in a large measure to the needs of a pioneer community. The governor and Judges had, or at least exercised, the right of repealing parts of these laws, though they rarely, if ever, added to one of them. Congress gave color to this assumption by the Indiana government through an act of March 2, 1801, which provided that suits already begun in the part of the old territory set off for the new should continue to final settlement as if no separation had occurred. This, of course, had the effect of continuing the old courts and by force of circumstances continued both the laws administered and the jurisdiction.

The governor and Judges made no effort to re-enact the laws of the Northwest Territory. Whether they feared thus to raise the question directly or whether no one ever doubted

that the Northwest laws were to continue in force does not appear, but the latter seems the fact. The great advantage of the old code to the new government was apparent to all.

The census of 1800 gives the location and population of the various settlements in the new territory. Practically all of them were on the boundary and most of them on navigable waters, but the problem of travel was just as difficult in the new territory as it had been in the old.

On the Great Lakes were several settlements, chief of which was Mackinaw, with two hundred and fifty-one inhabitants. The other settlers and traders in Michigan and Superior numbered at least three hundred and fifty; the only other real settlement was at Green Bay. On the upper Mississippi, at Prairie du Chien, there were sixty-five traders and trappers. The largest body of settlers was in the American bottoms opposite and below St. Louis. Cahokia numbered seven hundred and nineteen, with five hundred and thirty-six more settled in close proximity. Kaskaskia numbered four hundred and sixty-seven, with five hundred and forty-six outlying, most of them at Prairie du Rocher. In the settlement at Fort Massac were ninety settlers; while further up the Ohio at Clark's Grant—the present Clark county—were nine hundred and twenty-nine settlers. In and around Vincennes were one thousand five hundred and thirty-three persons, the largest and most compact settlement in the territory. The numbers were pretty evenly divided between the present states of Illinois and Indiana—about two thousand five hundred in each. There were two hundred and ninety-eight colored persons reported in the territory, of whom one hundred and sixty-three were free and one hundred and thirty-five, slave.

The French largely outnumbered the Americans in all the settlements except the one at Clark's Grant. There were many Americans in all the settlements, but hardly enough before 1800 to make their influence felt.

If one may judge from the haste of the acting-governor, it seems that the local government in the western part of the old Northwest Territory had completely fallen down. The secretary, John Gibson, was present at Vincennes on July 4, 1800, the date on which the new territorial government was to go

into effect. Harrison did not arrive till January 10, 1801. Secretary Gibson, however, did not await his coming, but, on the 22d of July, proceeded to fill the county offices. James Johnston, Pierre Gameline, Luke Decker, Abel Westfall, Antoine Marrishall, Jonathan Purcell, Abraham Huff, Marston G. Clark and John Noble Woods were appointed Justices of the courts of Quarter Sessions and Common Pleas for Knox county. The last three named lived in Clark's Grant, the others in and around Vincennes. Six days later Robert Buntin was appointed prothonotary clerk of the General Quarter Sessions court and clerk of the Orphan's court. Henry Vanderburg was appointed Probate Judge. The inference is that these offices were vacant, or otherwise the old officers could have continued till the arrival of Governor Harrison. On November 5, 1800, Benjamin Beckes and Ephraim Jordan were added to the list of Common Pleas and Quarter Session Justices. The other two counties, St. Clair and Randolph, both of which were in the present state of Illinois, were equipped with similar officers by the first of August.

QUARTER SESSION AND COMMON PLEAS COURTS.

As mentioned above, Governor Harrison arrived at the capital on January 10, 1801. As soon as he had received the oath of office at the hands of Judge Clark, he issued a call for a meeting of the Legislature, composed of the Governor and three Judges, for the following Monday "for the purpose of adopting and publishing such laws as the exigencies of the government may require and for the performance of such other acts and things as may be deemed necessary and conformable to the ordinances and laws of Congress for the government of the territory."

This meeting, the first legislative body to meet in what is now Indiana, took place as called. It sat from the 12th till the 26th day of January and passed or adopted six laws, one act and three resolutions. Four of the laws dealt with courts, their procedure and jurisdiction. One resolution repealed most of the requirements for the admission of attorneys, which had been laid down by a law of the Northwest Territory. At

least four of the acts have as their purpose likewise the repeal of laws handed down from the Northwest Territory.

The members of the court had very little legal ability, if we are to judge from their record as legislators. They were required under the Ordinance of 1787 to select and publish laws from the codes of the original states. The three resolutions, which are laws and not resolutions at all, therefore, so far as legality is concerned, have no value. Neither had they any power to repeal part of a law of the Northwest Territory and observe the remainder. The third, fifth and seventh laws were adopted from the Kentucky code, a liberty of choice for which they had no authority. The simplicity of expression used in these first laws also is proof that the person who wrote them was not a man of legal training. The following is a copy of the ninth law:

"The clerk of the general court's fees, for taking bond on issuing a writ of error or supersedeas—forty-three cents; for making a complete record of every cause, inserting a case agreed on special verdict, at large from the notes, and all deeds and other evidences at large, for every twenty words—two cents; for issuing a dedimus potestatum—thirty-five cents." A comparison of this with the long and cumbersome fee law of 1795 will show the difference between the parlance of the lawyer and layman. The chief purpose of the first meeting of the Legislature was to establish the courts and determine their jurisdiction. For this purpose a law from the Pennsylvania code was selected. This is the same law that had been adopted by the Northwest Territory, June 6, 1795. The only change was the omission of section thirteen, which provided for the pay of the court officers and which could not apply in Indiana. This law is longer than the nine other acts together, covering in all ten pages.

The highest of the local courts ordained by this law was the General Quarter Sessions of the Peace. These sessions were held four times a year—in the county of Knox on the first Tuesdays of February, May, August and November. It took at least three Justices to hold this court, though a less number could adjourn until a quorum was present. If, in their opinion, there was public need, the Justices could hold extraordi-

nary, or, as they called them, "private sessions." Between sittings the Justices had authority to take all kinds of recognizances and obligations. Their power in this regard was similar to that of the ordinary justices of the peace in the United States today.

All recognizances were certified to the next General Quarter Session, if for a crime triable in the Quarter Session court. If there were evidence or suspicion that a felony had been committed, then the recognizance was directed to the General court of the territory, usually called at that time by its old English name of Oyer and Terminer. If bail were forfeited the justice could only transfer the record to the General Court, whence a new process would issue. All forfeitures went to the territorial treasury.

The Quarter Session Justices were also unable to collect the fines assessed in their own court. All were to be "taxed, affeered and set, duly and truly, according to the quality of the offense, without partiality or affection, and shall be yearly estreated by the clerks of the said courts respectively, into the said general court of Oyer and Terminer."

The Quarter Sessions were required to hold at least three days or seventy-two hours each quarter. In order to expedite justice, and especially to aid sheriffs in the pursuit of fugitives, the processes or subpoenas of the Justices ran for the whole territory, regardless of county boundaries. The same was true of their power over witnesses.

All cases tried in the Quarter Sessions could be taken on appeal by a common writ of error to the Territorial or General court. This same rule applied to all courts of record in the territory, under the General court.

The General court or Supreme court of the territory met twice each year. The first session began at Vincennes on the first Tuesday of March and the second session at the same place on the first Tuesday of September "yearly and every year." The Judges, either all together or singly, had the power to issue writs of *habeas corpus*, *certiorari*, writs of error and all other remedial writs or general processes, all of which were returnable to the General court.

The course of an appeal was somewhat different from that

of the present. The writ of error was returnable, as above stated, to the General court at Vincennes. However, after issue was joined the case was sent to the Circuit court, Oyer and Terminer, to be tried *de novo*, the practice in that regard resembling our appeal from a justice's court to the Circuit court. However, it was the court of last resort then which for convenience came down to the forum of the crime to try the issues both of the fact and law involved.

A midway court between the Quarter Sessions and the Supreme court was the Circuit court of the county, presided over by one or more of the territorial Judges. There were only three of the Judges and an equal number of counties. They were only required by the law to hold court once a year in each county, the first Monday of October in Randolph and the third Monday of October in St. Clair. As a matter of fact, courts were held much oftener for jail delivery. The stated sessions were largely occupied with cases on appeal. A jail delivery session was held whenever several criminals were in jail, especially if one of them was held on a capital charge. It seems that one Judge could sit as a Circuit Judge, though it took at least two to hold a General court or Court of Appeal. A law of 1803 made it lawful for one Judge to hold either General court or Oyer and Terminer. This change was no doubt caused by the creation of new counties. Clark and Dearborn in Indiana had been organized by that time. A law passed at this same time provided that the Judges hold at least one session annually in these counties and in Wayne county at Detroit. This latter county was set off as the Territory of Michigan in 1805 and it is probable the Judges of Indiana never held court there.

The Judges of the Supreme court had general supervision of the lower courts, "to examine and correct all and all manner of errors of the Justices of the inferior courts in their judgments, processes and proceedings in the said courts, as well in all pleas of the United States, as in all pleas real, personal and mixed, and also to examine, correct and punish the contempts, omissions and neglects, favours, corruptions and defaults of all or any of the justices of the peace, sheriffs, coro-

ners, clerks and other officers within the said respective counties."

In order to insure the attendance of jurors, the Circuit court had authority to fine a defaulting juror eight dollars for each non-attendance; the Quarter Sessions Justices could fine a non-attending juror five dollars.

The Quarter Sessions were Criminal courts exclusively. The co-ordinate civil courts were the Common Pleas. These courts were held quarterly in each county. It took at least three of the Justices to hold pleas of assize, *scire facias,* replevins and all other common law pleas, either civil, personal or mixed. Any one of the Justices, during or between terms, could issue these writs cognizable at the next regular term of the court. They likewise had all the powers conferred on such Justices by the common law for compelling attendance and giving testimony.

Judgments by this court were turned over to the county sheriffs for execution. If the sheriff failed to find property, the plaintiff could plead that the defendant "skulked" or "lay hid," or had lands or goods in another county. An "alias execution" was, in the latter case, sent to the county in which the defendant had property. In the former cases the whole matter was certified to the General court. The Common Pleas sessions opened on the same days as the Quarter Sessions and were held by the same Justices. In other words, they were only the civil and criminal arms of the same court.

The practice in appeals was similar to that of today in its main features. Before a writ of error would issue to a lower court the case at issue must have been prosecuted to a final judgment or decree. The amount at issue must be at least fifty dollars in a civil suit or relate to a franchise or freehold. The appellant had to furnish bond and an authenticated copy of the record below. The transcripts must be in the hands of the clerk of the Supreme court before the expiration of the next succeeding term, providing there be as much as thirty days intervening, otherwise before the opening of the following term. If the appellant failed on appeal, he had to pay the appellee a sum not greater than ten per cent. by way of damages caused by the delay.

The Supreme court might on appeal issue its own executive order or it might remand the case to the lower court for execution. A writ of error might issue any time up to five years after the trial of the case.

By act of the Legislature, the old English Statute of Jeofails of 1752 was made the law of Indiana.

Bail was one of the most perplexing questions that came up before the early courts. It was necessary to give a wide range to the practice on account of the lack of jail facilities. On the other hand, it was easy to break bail and get out of the country. The sheriff often accepted bail on his own authority. This frequently proved worthless. In order to reduce this as much as possible, it was provided, where this failure of bail resulted in loss to a party to the suit, that the sheriff be required to plead to the case in place of the defaulted defendant and accept the penalty of the verdict.

A statute of limitations provided that practically all actions in tort or on similar pleas should begin within five years. Actions for assault, trespass and such like must begin within three years. Actions for slander had to be begun within one year from the time the words were uttered.

Negroes, mulattoes, or Indians were not allowed to testify except in pleas of the United States or except the case be between negroes, mulattoes or Indians. It was enacted in this connection that every person whose grandfather or grandmother was a negro should be classed as a negro, and that every person who had one-fourth part or more of negro blood should be deemed a mulatto.

In actions of assault and battery or slander in the General court, if the jury returned a verdict for less than sixteen dollars and sixty-six cents, or if in a county court the verdict was for less than six dollars and sixty-six cents, the plaintiff was not to be allowed any costs.

JUSTICES' COURTS.

No direct provision was made for Justices' or Township courts under the governor and Judges of Indiana. Only by close reading of the laws and from outside references can one learn of the township government at all. Even before 1800,

when the census was taken, we are assured the counties were laid off into townships. The vote in Knox county for delegate to Congress in 1809 was given by townships, there being seven townships at that time. (*Western Sun*, May 27, 1809.) The township government seems to have gone on unchanged by the division of the old Northwest Territory.

That such was the case is made certain by the second law passed by the first Indiana Legislature, August 12, 1805. This law is entitled, "An act to amend an act entitled an act establishing courts for the trial of small causes." Now no such act had ever been published by the governor and Judges, or by the Legislature up to that time. The reference is plainly to the law of the Northwest Territory, approved December 2, 1799. This act constituted the Justices of the Peace courts for the territory and is the basis for the courts as they exist today.

The necessity of the Justice was not new in the territory even in 1799. When the courts were established by the second act of the governor and Judges, August 23, 1788, provision had been made for the Justices of the Common Pleas to issue writs between terms. And "for the more speedy recovery of small debts and demands contracted within the territory it shall and may be lawful for one or more of the Judges of the Common Pleas, in their respective counties, to hear and determine all debts and demands contracted as aforesaid whether upon bonds, bill, note-book account, or assumpsit in fact or law, wherein the sum demanded shall not exceed five dollars."

If for no other reason than convenience and cheapness, the courts must have been popular. A trip of fifty miles to the county seat to sue on a debt of five dollars would be discouraging to say the least, especially as traveling then was attended with such difficulties. A defect of this arrangement soon appeared, however, in the lack of an executive officer for the Justice. The sheriff, the only person to carry out the order of the Common Pleas Justice, lived at the county seat and his service was expensive.

Accordingly, at their meeting at Cincinnati on November 6, 1790, the governor and Judges directed, by law, the Common Pleas Justices of each county in their regular session to appoint annually in every county one or more constables, each

to serve his township especially and the county generally "and generally to do and perform all duties and services incumbent on him as an officer of the township or county, or of the several courts at law."

So satisfactory was this species of litigation that the governor and Judges went a step farther (June 3, 1795,) and, in a law headed "A Law for the Easy and Speedy Recovery of Small Debts," gave these special courts exclusive jurisdiction without appeal, over "all said debts and demands under five dollars." In cases involving from five up to twelve dollars the Justices had concurrent jurisdiction with the Common Pleas court, with the right of appeal to the latter court. On appeal, the case was tried *de novo*. A full list of fees was made out for all the Justice's action and he was further recognized by being made the special protector of the poor of his township, the curator of estrays and boats found drifting.

Finally, in an elaborate act by the Legislature of the Northwest Territory, as noted above, entitled "An Act Establishing Courts for the Trial of Small Causes," the Justice of the Peace courts were put on a firm basis in the Northwest Territory.

The jurisdiction of the Justice was made coextensive with his township. Every action for debt or other demand except where a contract or bond was to be construed, or a covenant, replevin, or actions involving title to land, was cognizable in his court. His processes ran throughout the township only. The constables of the township were his executive officers. He was required to keep a complete record of all cases. Appeals were allowed to the Common Pleas if perfected within twenty days, provided the penalty to be avoided exceeded two dollars. The parties might choose referees to decide the issue, in which case no appeal would lie.

This then was the basis for the Justice courts of Indiana Territory. It was this kind of court which Governor St. Clair established at Clarksville in 1790 and over which he appointed William Clark to preside. Abraham Huff, Marston G. Clark and John Noble Woods, of the same place, were evidently only Justices of the Peace, since it is hardly possible they attended the regular Common Pleas courts at Vincennes. Although there is no evidence that the Justices had any criminal juris-

diction, it is hardly believable that petty criminals were taken to Vincennes from Clarksville for trial.

The act of the Indiana Legislature referred to above amended the Justices' practice so that their jurisdiction was county-wide instead of township-wide. The constable was also given power to execute his process throughout the county. A stay law was added so that a judgment of twelve dollars could be stayed fifteen days and any sum above that could be stayed thirty days. There must have resulted considerable confusion from the lack of a clear boundary between the Common Pleas and Justice of the Peace courts. A law of December 6, 1806, forbade any Judge of the Common Pleas from acting as a Justice of the Peace. The same law otherwise defined the practice. The plaintiff was required to bring his suit where the debt was contracted or where the plaintiff resided, or where the defendant was. If brought in any distant township in order to vex the defendant, he was liable to be dismissed at his own cost. The jurisdiction was extended to all personal property not exceeding eighteen dollars in value. The stays were all extended, that for twelve dollars and upward being made ninety days.

So far as known, the first Justices of the Peace appointed by Governor Harrison, except John Gibson, appointed on February 1, 1801, for the whole territory, were William Wells and William Burnet for Knox county, August 29, 1801. These, together with Adhemar St. Martin, a Justice for St. Clair county, received the oath of office September 1, 1801. Jean Baptist Barbau was appointed for Randolph county, October 27; Pierre Compte, for the same county, October 29; Lewis Labosierre, for St. Clair county, October 29; Antoine Champs, for the same county, October 30; David Robb, an Irishman from down about where Princeton now is, for Knox, December 26; John Kinsey, for Knox, March 10, 1802; Lieutenant Wiley, for St. Clair county, March 12; John Campbell and Robert Dickson, for St. Clair county, August 19. Thus runs the record of appointments throughout the sixteen years of the *Executive Journal;* many names well known in early Indiana history appear in the list, such as Jonathan McCarty, William Prince, James Lemon, Patrick Shields, Aquila Rogers, Enoch McCarty,

John Beggs, Jacob Zenor and scores of others. One is convinced that the governor took considerable pains to select substantial men for these responsible positions. The peace and orderliness of the neighborhood often depended entirely on the character of the Justice of the Peace. The names of all these territorial Justices of the Peace are given in the histories of the counties for which they were appointed.

A further division of the work of the Justices appears in the law of August 15, 1805, providing for the appointment by the governor of as many Notaries Public as he thought the business of the rapidly growing territory demanded.

ORPHANS' COURTS.

On July 28, 1800, Acting-Governor Gibson appointed Robert Buntin clerk of the Orphans' court of Knox county; on August 1, Robert Morrison was appointed clerk of the Orphans' court of Randolph county; on the same day John Hay was appointed to a similar position for St. Clair county; on February 4, 1801, Samuel Gwathmey was appointed clerk of the similar court for the new county of Clark. These appointments show beyond a doubt that this court was in existence in all the counties. No separate Judges for these courts appear to have been appointed, so the duty of presiding must have devolved on some of the other Justices. Since the prothonotary of the Common Pleas was always clerk of the Orphans' court, it seems the Common Pleas Justices presided. A law of August 22, 1805, permitting the Common Pleas Justices to authorize guardians, upon proper showing, to sell town lots, would also go to prove that the Common Pleas or Quarter Session Justices (they were nearly always the same) presided.

No law directly establishing the Orphans' Court or outlining its jurisdiction or practice appears among the acts of the governor and Judges, so it is necessary again to refer to the Maxwell Code. At first the business of the Orphans' court was transacted by the Probate Judge under the law of August 1, 1792. This power was taken from the Probate Judges by the act of July 14, 1795. In the meantime, however, a separate court for the transaction of this business had been created by the law of June 16, 1795.

This law empowered and directed the Quarter Session Justices in every county to hold a court of record, to be styled the Orphans' court, during the same week as the county Quarter Sessions and at the same place. The Justices were directed to call before them "all and every such person and persons who, as guardians, trustees, tutors, executors, administrators, or otherwise, are or shall be entrusted with, or anywise accountable for, any lands, tenements, goods, chattels, or estates belonging or which shall belong to any orphan or person under age; and cause them to make and exhibit, within a reasonable time, true and perfect inventories and accounts of the said estates; and to cause and oblige the Judge of probate, or such person or persons for the time being, as shall have the power of probate of wills, and granting letters of administration, in this territory, or their deputies, upon application made in that behalf, to bring or transmit into the said Orphans' court, true copies or duplicates of all such bonds, inventories, accounts, actings and proceedings, whatsoever, now or hereafter remaining or being in their respective offices, or elsewhere within the limits of their authority, as do or shall concern or relate to the said estates or any of them."

The quotation from the long, wordy law sets forth sufficiently plain the subject matter of the courts and the Judges who presided, as well as the jurisdiction from which it was taken. The chief purpose of the law was to have the guardians report to a different Judge than the one who appointed them. It would perhaps lessen the chance of collusion. Nothing was commoner then among genteel rascals than to plunder guardian estates. It was common also to apprentice orphans, a practice open to wide abuse. Over this practice the Orphans' court was supposed to keep a sharp eye. The court was abolished by the act of August 24, 1805.

CORONERS' COURTS.

On August 1, 1800, Acting-Governor Gibson appointed John Whitesides coroner of St. Clair county; February 4, 1801, Governor Harrison appointed Peter McDonald coroner of Clark county; July 9, 1802, Dr. Jacob Kuykendall was appointed coroner of Knox. Throughout the territorial period

there are frequent records of the appointment of coroners—enough that it seems sure the office was kept occupied in each county.

The law under which they acted is to be found in the Northwest Territory code, dated, Marietta, December 21, 1788. "It shall be the duty of the coroner, by a jury of the county, to inquire concerning the death of a person slain, who dies suddenly or in prison, and his inquisition so taken he shall certify to the next General court holden within the county, or to the court of General Quarter Sessions holden for the county. And it shall be the duty of the coroner to execute process of every kind wherein the sheriff is a party or interested in the suit, or for other just cause is by law rendered incapable to execute the same. And in case the sheriff for any reason is committed to gaol, the coroner shall by himself or such person as he shall appoint be keeper of the gaol during the time the sheriff shall remain a prisoner."

The substance of this act was included in the Revision of 1807 of the Indiana laws. No substantial change has taken place either in the constitution or purpose of the court to the present time. Its importance is gradually diminishing.

PROBATE COURTS.

On July 28, 1800, Acting-Governor Gibson appointed Henry Vanderburg a Probate Judge for Knox county; August 1, he appointed John Edgar, Probate Judge for Randolph county; January 14, Abraham Westfall took the place of Vanderburg as Probate Judge of Knox county (the former had taken up his duties as Supreme Judge); February 4, 1801, Jesse Rowland was appointed Probate Judge of Clark county. These and other appointments indicate conclusively that a Probate court was open in each county from the beginning of the territory in 1800.

As with the Orphans' and Justices' courts, it is necessary to go back to the Maxwell Code for the constituting law. There is no mention of the courts in the laws of the governor and Judges of Indiana Territory. The third law of the Northwest Territory, enacted at Marietta, August 30, 1788, was the foundation.

"There shall be appointed one Judge of Probate in each county whose duty it shall be to take the proof of the last wills and testaments and to grant letters testamentary and letters of administration and to do and perform every matter and thing that doth, or by law may appertain to the probate office, excepting the rendering definitive sentence and final decree."

The Judge held at least four sessions in his county and could hold as many more as he saw fit at any time and place business might require. This officer was the custodian of all papers, bonds or other evidence of probate business. An appeal lay from all his decrees to the General court of the territory. The probate clerk kept a careful record of all papers and proceedings and furnished copies of them when required.

It does not appear just why this work was cut out of the general jurisdiction of the Common Pleas or why it should have been made the work of a special court in a country so sparsely settled. The probate law was rather intricate, especially where it dealt with real estate, and Governor Harrison found it difficult to keep the offices filled with competent men. The fees were very low as compared with lawyer fees at present, though they ranked favorably with those of other officers of the time.

The Indiana officers evidently were not impressed with the necessity of the Probate court. At the first session of the Territorial Legislature, which met July 29, 1805, the Probate courts were unceremoniously abolished, their jurisdiction being conferred on the Common Pleas court in the act consolidating the county courts of the territory.

CHANCERY COURTS.

The organization of a court of Chancery had some ulterior history back of it. Attention has already been called to the fact that there was considerable dissatisfaction on the part of the lawyers of the old Northwest Territory because there was no appeal from decisions of the Territorial court to the General courts. This was the worse because the Territorial courts were entirely without chancery jurisdiction. Frequent-

ly the ruling of a single judge according to the rules of law only was the final word on an important matter.

On April 3, 1802, a petition, signed by James Johnson, a lawyer of Vincennes, formerly from Pennsylvania, and his fellow Justices of the Common Pleas of Knox county, was read, asking that the provision of the Ordinance of 1787 be set aside or revised so that the Judges of the Indiana courts might have chancery powers. And although Congress in a long act overhauled the judicial system, it seems at the time no account of the petition was taken further than the customary reference to a committee. Still the agitation must have borne fruit, for the matter was taken up again in the eighth Congress. The committee report on the expediency of vesting courts in Indiana and other territories with equity powers was made by John Boyle, later a Chief Justice of Kentucky, then serving his first term in Congress. He was later a territorial governor of Illinois. During the last eight years of his life he presided over the United States District court of Kentucky.

"The courts without equitable jurisdiction," ran his report, "will inevitably, in some instances, become the instruments of iniquity, instead of the administrators of justice. Fraud, accident and hardships, ingredients in many of those transactions of human life which constitute the basis of litigation, entrenched within legal forms and veiled with specious but deceitful appearances, are many times not within the reach of a tribunal, vested with common law powers only. To develop and relieve against them, an equitable jurisdiction is necessary."

The committee on this point recommended, "That it is expedient to vest the powers usually exercised by a court of Equity in the Judges of the United States in the Indiana and other territories."

The petitioners had asked that, for the purpose of securing uniformity of decision, appeals be allowed from the Territorial courts to the United States Supreme court. The committee was not impressed with this plea, though it admitted the necessity of uniformity in decisions. It expressed a high regard for the Indiana court, stating that no charge of unfairness or

lack of ability had been made. The adverse report on this point, however, was based more on the inconvenience of the practice than on opposition to the justice of the demands. "So vast is the distance from the Territorial courts to the Supreme court of the United States that the mischief resulting from the necessary delay, expense, and inconvenience of prosecuting or defending writs of error and appeals, cannot, in the opinion of the committee, be compensated by any advantage to be derived from the revision of the courts of the Territories by the Supreme court of the United States." The committee therefore recommended that the right of appeal be not allowed.

Congress, however, seems to have been guided more by the inherent justice of the case than by the inconvenience pointed out by the committee, for, on March 3, 1805, a bill received the President's signature, not only giving chancery power to the Territorial Supreme court, but also giving the right of appeal from its decisions to the Supreme court. This right of appeal, of course, would only extend to such cases as the United States courts would have an interest in. Indiana Territory thus, under the lead of two or three fearless lawyers, rid itself of an offensive system under which the Northwest Territory labored fifteen years.

Having clothed these federal or territorial Judges with equity powers, the first Legislature of the territory (1805) lost little time in establishing a Chancery court all their own. Why they did not follow up the hint given by Congress and invest their Common Pleas courts with chancery power does not appear. Instead, they attempted to encumber their judicial system with one more unnecessary tribunal. However, a lawyer accustomed to practice before our courts cannot easily appreciate the difficulty offered by a common law jurisdiction alone. A defendant might between terms sell out, pack up his goods and get away and there was no power to stop him. A man might suffer irremediable injury and a Common Law court had no power to protect him except by a suit for damage after the injury was done. Section six of the law was therefore a great boon to the lawyers on the frontier. It provided that this court should remain open always so as to

grant writs of *ne exeat*, injunctions, *supersedeas*, and *certiorari* processes.

The court consisted of one Judge, to be appointed by the governor, to serve during good behavior. He was to hold at least two sessions annually at Vincennes. "In all suits in the said court the rules and methods which regulate the practice of the High Court of Chancery in England so far as they shall be deemed applicable to this court by the Chancellor shall be observed." Pleadings might be sworn to before any Justice in the territory, and depositions might be taken anywhere in the discretion and on the order of the court. Rule days were the first Saturdays of January, April, July and October. The court's writ of *fieri facias* held the property of the person against whom it was directed from the time it was issued.

The only objection to the court, and this one objection prevented its being useful, was that to do its intended duty, it required a Judge and a clerk in the office during the whole year. This necessitated a considerable salary, since it required a good lawyer to administer an Equity court.

The law was signed August 22, 1805. On the following September 2, John Badollet, a Swiss companion of Albert Gallatin, was appointed Judge of the new Chancery court. March 1, Thomas Terry Davis, even then called "Honorable," was appointed to take the place of Badollet, who had resigned. November 24, 1807, Waller Taylor, also "Honorable," one of the first United States senators from Indiana, succeeded Davis on the Chancery bench. These appointments, or rather the resignations, for they were all first-rate men, indicate that the position was not very lucrative. The law was amended in 1806 and it seems the pay of the Judge increased slightly.

While it would perhaps have to be conceded that the lawyers of Indiana Territory were not the equals of their contemporaries in Kentucky and Ohio, it is equally clear that in constructive legal ability they surpassed the lawmakers of either early Kentucky or early Ohio. A tendency which was later to give Indiana a great system of courts was manifesting itself thus early. From the beginning there had been dissatisfaction with the numerous tribunals of the common law. In the effort to lessen the number of independent and co-ordinate

courts and at the same time widen the jurisdiction, Governor Harrison seems to have been in harmony not only with the lawyers but also the lawmakers. The governor rarely if ever opposed the clearly expressed wish of the people or their Legislature.

Accordingly, one of the acts of the first Legislature, August 24, 1805, was a general consolidation of the county local courts. Over the Circuit and Supreme courts the Legislature had little control, since these Judges were commissioned by the President, but it made short work of the complicated and confusing mess of Quarter Sessions, Common Pleas, Probate and Orphans' courts. All were consolidated into one County court under the historic name of Common Pleas. Instead of the score or so of Justices in each county, the governor was now required to appoint three Judges for each county, at least two of whom were of the quorum; that is, it required a majority of them to hold court. They were required to hold six stated sessions annually in each county. Instead of the wretched fee system, each Judge was put on a salary of two dollars and fifty cents per day for time necessarily used. If a quorum were not present on the first day of the term, the sheriff was directed to adjourn court till the next day and if no Justices were then present he would adjourn until court in course. The fees that formerly went to Justices were thereafter to be collected by the sheriff and turned over to the county on the first days of January and July. Instead of there being four different clerks, with as many separate records, there was to be under the new law only one clerk whose business it was to keep one set of records for the one court. It was indeed a great step in the direction of our present simple system of County courts.

In the Revision of 1807, chapter XXII, there is a law giving the Common Law courts equity powers in a number of classes of cases. In several acts there are provisions for expediting suits and requiring immediate execution of court processes, indicating even then some impatience with the law's delays. A long law of 1807, chapter XLVI, lays down the general rules that were observed in the practice before all the courts. These laws were plain and practical and will bear

close inspection. There are few things in them except the Latin names of a few processes which would seem strange to the wide-awake Indiana lawyer of today. In some instances they would push him along the road to final judgment somewhat more rapidly, perhaps, than he is accustomed to go at present. There are of course hundreds of cases in our present practice for which he would find no remedy in these early laws. Litigation was not encouraged. A very early law laid a general tax for the benefit of the county on litigants at court. For instance, on each appeal a tax of one dollar had to be paid into the county treasury. On every suit filed in Common Pleas a tax of fifty cents was paid. On each certificate under the seal of the clerk a tax of fifty cents had to be paid. These were not fees or court costs, but money paid for the use of the general county fund, the same as poll tax.

TERRITORIAL PRACTICE.

The following incidents and descriptions are given, without much attention to order or arrangement, for the purpose of illustrating the general features of court practice and the life of an attorney of those days. No doubt each incident is extraordinary. Otherwise it would not have been preserved. Only those incidents of unquestioned historical standing have been included.

When a territorial Judge was sent to hold a court of Oyer and Terminer, he usually took commissions for two other local men to sit with him. Thus when, on September 28, 1801, Governor Harrison sent Judge Vanderburgh to Kaskaskia to hold a Jail Delivery, he appointed John Edgar and Pierre Menard to sit with him, Vanderburgh carrying the commissions with him. There are other instances of this kind in the *Executive Journal.* The practice saved money to the treasury, since the territory had to pay travelling expenses, and also made it possible to hold court oftener than if two of the Judges went on circuit together.

There were frequent complaints to the governor of irregularities by his courts. About the close of the year 1801 a grand jury of Cahokia made a presentment against John Dumoulin, presiding Judge of the St. Clair county Quarter Ses-

sions, charging him with acting "tyranically, corruptedly and illegally" while Judge. The governor at once commissioned Shadrack Bond, George Achison, James Lemon, William Beggs, John Francis Perrey, Benjamin Ogle and Nicholas Jarrol to "sit" on the said Dumoulin and report the findings forthwith to the governor. The Legislature had jurisdiction over cases of impeachment. No report as to the fate of Dumoulin is available, but several cases of impeachment were tried by the territorial Legislature.

February 23, 1802, Davis Floyd, of Clark county, was ordered by the governor to proceed to Kentucky and receive from the governor of that state Martin Williams, John Williams and a man named Churchelow, charged with the murder of some Delaware Indians. The criminals had fled to their old home and had there been apprehended and were being held perhaps for reward.

John Harbin, of Knox county, was ordered, August 18, 1803, to go to Tennessee and bring back to Knox county Robert Slaughter, who was charged with the murder of Joshua Harbin. Other instances show that the extradition of persons charged with crime was carried on then much the same as now. July 4, 1806, James Edgar, sheriff at Kaskaskia, was sent to New Orleans to receive and return to Kaskaskia Michael Squires, charged with the murder of Abraham Stanley.

The following item will suggest a cause for most of these arrests in neighboring states: "June 21, 1806, a proclamation was issued by the governor and a reward of three hundred dollars offered to any person or persons who would apprehend and deliver to the sheriff of Knox county James Reed, a prisoner, confined in the jail of said county charged with the murder of a Delaware Indian and who, on the night of May 18, escaped from the same, and a further reward of one hundred dollars for the discovery of any accomplice or accessory to the escape and a full and perfect pardon on conviction of the accomplice or accessory."

The governor was not afraid to use his pardoning power. But from his well-known regard for the opinion of others it may safely be inferred that most of his pardons were given

to correct mistakes of trial courts. On September 16, 1802, there is a record of the pardon of Michael Joseph, condemned on a charge of rape to stand twice in the pillory, to be imprisoned six weeks, and pay a fine of fifteen dollars.

In October, 1808, a special session of the General court convicted Abraham Hiley of the murder of John Coffman at Vincennes and sentenced him to be hung. It seems the evidence was not clear. After the rope was around his neck the governor issued a respite. Again it seems he was taken out for execution, but was pardoned. Perhaps his demeanor had something to do with the pardon. January 16, 1809, the governor issued a partial pardon to William H. Fitz Freeman. He had been sentenced to be whipped, fined and jailed. The latter penalty was remitted. On the same day the governor pardoned Wappenuchkinewa, a Wea Indian, in the Vincennes jail on a charge of horse stealing.

December 9, 1809, on petition from a "number of the most respectable citizens of Clark county," the governor pardoned John Ingram. He had been convicted of horse stealing and sentenced to death. The pardon is said to have arrived after Ingram was on the scaffold. The list of pardons might be continued, but the cases given are enough to show that the power was frequently used.

There are many instances on record where the governor appointed an attorney to defend a prisoner at bar. Likewise there are frequent cases in which he appointed a special prosecutor for a given case. Thus, James Clark was appointed to prosecute Robert Slaughter, who was brought up from Tennessee on a charge of murder.

The following is a copy of an indictment by a grand jury of Clark county. It was presented to the court of Oyer and Terminer, April 1, 1802:

"That Moses McCan of said county, yeoman, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, did on the 16th day of January in the year of our Lord, one thousand eight hundred and two, at the hour of five in the afternoon of the same day, with force and arms at Clarksville, in the county aforesaid in and upon an Indian man of the Shawnee tribe in the peace of God

and the United States then and there (the said Indian not having any weapon drawn, nor the aforesaid Indian not having first stricken the said Moses McCan) feloniously, maliciously, and of his malice aforethought did make an assault, and that the aforesaid Moses McCan, with a certain tomahawk made of iron, of the value of two dollars, which the said Moses McCan in his right hand then and there had and held, in and upon the head of the said Indian, did strike, giving to the said Indian one mortal wound of the breadth of two inches and of the depth of one inch, of which said mortal wound he, the said Indian, in the day aforesaid died; and so the jurors aforesaid do say that the said Moses McCan him, the said Indian, on the said 16th day of January in the year aforesaid at Clarksville aforesaid in manner and form aforesaid, feloniously, maliciously, and of his malice aforethought did kill against the peace and dignity of the United States; and the said jurors further present that the said Moses McCan not having the fear of God before his eyes but being moved and seduced by the instigation of the devil, on the 16th day of January, in the year first mentioned, at the time of five o'clock in the afternoon of the same day . . . did make an assault, and the said Moses McCan with a certain poking-stick made of the value of five shillings, which the said Moses McCan in his right hand there and then held, in and upon the head of the said Indian . . . did strike, giving to the said Indian and there with the said poking-stick aforesaid in and upon the head of the said Indian one mortal wound of the length of two inches and of the depth of one inch, of which he, the said Indian, on the day aforesaid died; and so the jurors aforesaid upon their oaths aforesaid, do say that the said Moses McCan, him the said Indian on the said 16th day of January in the year aforesaid at Clarksville, in the county of Clark in manner and form aforesaid feloniously, maliciously, and with his malice aforethought, did kill, against the peace and dignity of the United States."

An instance from one of the first sessions of the Dearborn County court will illustrate a situation that was liable to confront a Judge at most any time. A more than commonly perverse witness was on the stand. The Judge and one lawyer

were doing their utmost to keep the witness within legal bounds. The latter argued his side of the case manfully until, losing his temper, he seized a heavy clapboard and struck viciously at the Judge's head. The Judge threw up his arm to parry the blow, and received a broken arm. The witness was immediately ordered jailed for contempt. There being no jail, he was bound hand and foot, his head placed between the lower rails of a heavy worm fence and left a few hours till his temper cooled off. This court was held in the double log cabin of Dr. Jabez Percival, a Revolutionary patriot, and one of the Judges.

The earliest court of which we have any record in Wayne county was held at the home of Richard Rue, a short distance south of Richmond. No grand jury was impaneled until the next sitting. This grand jury, whose names are preserved in Young's "History of Wayne County," reported to Jesse D. Holman, Circuit Judge, one of the most distinguished Judges of the time. The court, it seems, held its sessions in the woods, a few backwoods chairs and convenient stumps being used for seats. A log at a respectable distance served for a grand jury "room." Seated on this log, the fathers of the county took thought of their future society. Judge Hoover, in his memoir, says Judge Benjamin Parke held a court in this county in the shade of a large tree.

The records of Warrick county also offer a picture of the early Territorial courts. The first session was held at the house of Baily Anderson, July 14, 1813, Benjamin Parke presiding. The grand jury consisted of sixteen men. The first indictment was drawn by this grand jury against John May, who had passed to Daniel Rhoads eight hundred and twenty dollars of counterfeits on the Russellville branch of the State Bank of Kentucky. This same jury also indicted Joshua Elkins for selling a pint of whiskey to William Stevens without a license. Thomas Higgins, one of the grand jurors, became intoxicated and was fined five dollars and costs. It is significant of the times that no Judge was present at the next two stated meetings of this court, so they were adjourned by the sheriff. Judge Blackford held the next session at the home of Daniel Rhoads.

The Territorial court of Perry should have met April 3, 1815, but no Judge appeared. However, three months later Judge Blackford opened a court at the house of James McDaniel, Jr., of Troy. There was a grand jury of twenty-two men impaneled. Davis Floyd was prosecutor. George Tobin was indicted for usurping the office of Justice of the Peace, but he succeeded in having the indictment quashed. Davis Floyd and William Prince seem to have been the only "lawyers" present. No court house was built till 1817 in this county.

CHAPTER III.

The Circuit Courts, 1816-1852.

There was continual dissatisfaction throughout territorial times with the Circuit court. As the number of criminals increased with the increase of population, and also with the failure of the courts, the people clamored for a more active Circuit court. It must be kept in mind that the reorganized Common Pleas court had no power over felons, further than to commit them to jail, whence they usually escaped. There were in 1813 ten counties, with seats of justice at Vincennes, Jeffersonville, Lawrenceburg, Corydon, Madison, Brookville, Salisbury (Wayne county), Evansville, Princeton and Salem. A glance at the map will show how difficult it was for three Judges to make these ten places four times per year and hold court a month or so at each place.

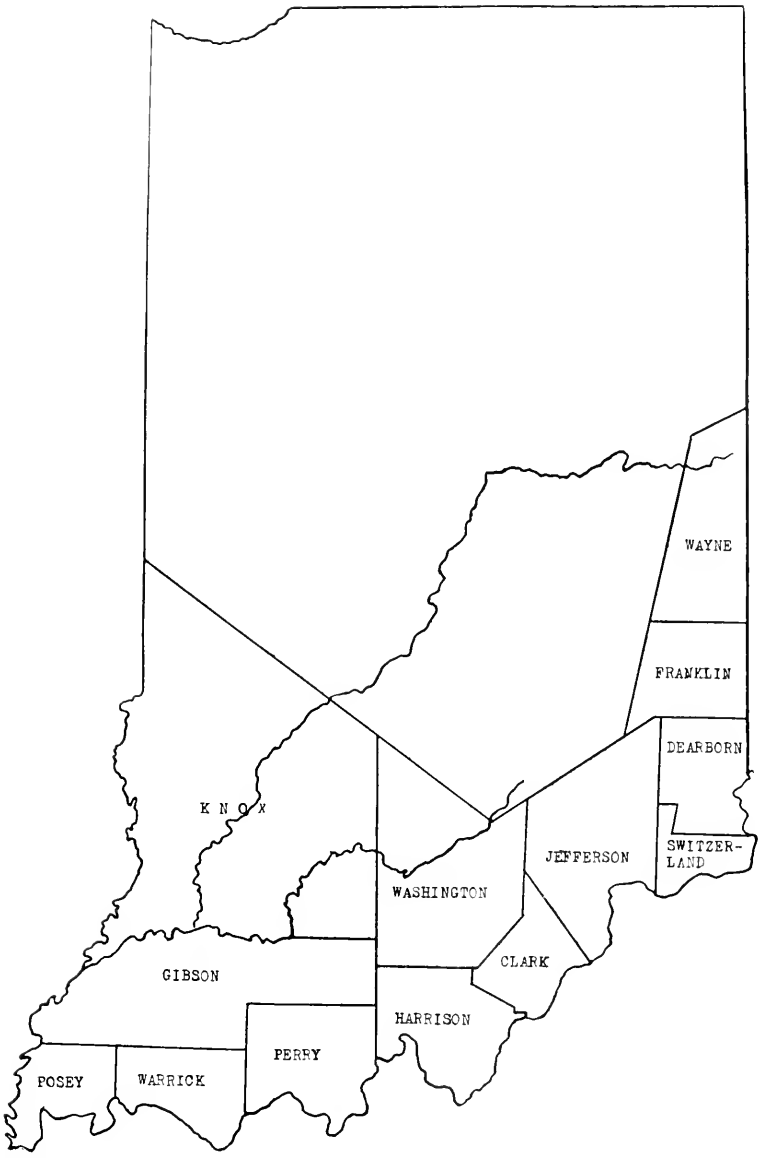
In order to remedy this situation, the Legislature, December 31, 1813, reorganized the system, dividing the counties into three circuits, over each of which one of the Territorial Judges was to preside.

Here, now, was an interesting situation for the courts. The Judges, Benjamin Parke, James Scott and Waller Taylor, had been appointed by the President of the United States and of course held their commissions from him. It was their duty to preserve order in the territory, but they were not subject to the disposition of the territorial Legislature.

Judge Parke did not wait for the case to come up in any regular way, if indeed it could possibly have been brought. It would have involved a mandamus suit before the very Judges whom it was sought to mandate. As soon as Judge Parke heard of the work of the Legislature, he wrote Governor Posey, February 7, 1814, as follows:

"By an act entitled 'An act reorganizing courts of Justice,' passed at the late session of the Legislature, the territory is

divided into three districts, in each of which a Circuit court is established—the court to consist of one of the Judges appointed by the government of the United States for the territory, as President, and three associates, commissioned under the authority of the territory, and to have jurisdiction in all cases, at law and equity. The First circuit, comprising the counties of Knox, Gibson and Warrick, is assigned to me. The Legislature is empowered to make laws in all cases, for the good government of the territory, not repugnant to the laws of the United States. In the delegation of power, that which is not expressly given is reserved. Implications can not be admitted further than to carry into effect the power given. The laws of the United States being paramount to the laws of the territory, if they are found in conflict, the latter must yield to the former. Congress has defined the jurisdiction of the Judges appointed by the general government, and made one Judge, in the absence of the others, competent to hold a court. The Judges are co-ordinate and their jurisdiction extends over the whole territory. They are the Judges in and over, and not of a part of the territory. As the Judges derive their jurisdiction and power from the government of the United States, they cannot be controlled, in the exercise of their functions, by persons deriving their authority from the government of the territory. The Judges appointed for the territory are limited by the laws of the United States to the exercise of a common law jurisdiction. The act, therefore, as it regards the organization and jurisdiction of the Circuit courts, is repugnant to the laws of the United States, and neither confers any powers, nor imposes any duties, on the Judges appointed for the territory by the United States. The general government has appointed for the territory three Judges, with a common law jurisdiction; but when, where, and in what manner they are to hold court—or, rather, exercise the jurisdiction with which they are invested—Congress has not provided. I consider it the duty of the Legislature to do it. To you, sir, it belongs to watch over the affairs of the territory, and to see that the laws are faithfully executed; and, on account of the relation in which I stand to the territorial government, I have thought it my duty to make this repre-



INDIANA AS IT APPEARED IN 1815 WHEN IT APPLIED FOR ADMISSION TO THE UNION.

By Ernest V. Shockley.

sentation to you. The peculiarity of the case leaves me no other mode of stating my objections and the cause of my not conforming to the law. The Legislature has organized certain courts, and assigned me to perform certain duties; but the law, constituting the one and directing the other, is unconstitutional; and, as I can derive no authority from it, it imposes no obligation. I shall, therefore, not hold the courts for the First circuit."

This letter not only shows the relation between the Federal, or Territorial courts, but also indicates the difficulty confronting the Legislature in constructing any satisfactory system so long as the territorial form remained. The act of 1813 had abolished the old program of courts and when the Judges refused to go on circuit according to its terms the people were left without Criminal courts.

At first it was thought Congress might furnish relief. With this purpose in mind, the Legislature framed a petition, which Jonathan Jennings, the territorial delegate, presented January 24, 1814. This petition begged Congress to instruct the Territorial Judges to submit to and perform certain judicial services required of them by the Legislature. A bill for this purpose was drawn and supported in Congress by Mr. Jennings. However, it was lost on third reading.

To remedy this situation, the Legislature then met, August 15, 1814. By the 30th of August it had a bill ready for the governor, dividing the territory into three circuits and authorizing the governor to appoint President and Associate Judges for each—a President Judge for each circuit and two Associate Judges for each county. The President Judge was required by the statute to be a man learned and experienced in the law, who had regularly practiced in the courts during the three preceding years. Such Judges were to receive an annual salary of seven hundred dollars.

There was little in the law that was new or different from the law of 1813, except that the governor appointed Judges for the circuits in place of the Territorial Judges. The law left a tangle which no lawyer or lawmaker was able to unravel.

The law of appeal permitted cases tried in the Circuit

courts to be taken up for review, or perhaps re-trial, to the General or Supreme court. One Judge could and often did hold Supreme or General court. Two Judges could and usually did sit on the Circuit bench. Not infrequently one of the Judges sat, in appeal, on a case which he, himself, and another member of the Supreme court had decided in the first instance; or one Judge might overrule a decision given by his two associates on circuit. Such a decision, of course, would very likely be reversed next time a similar case was taken up on appeal.

The legislators were not slow to see the dilemma. A memorial prepared by the state Legislature was read in Congress, October 18, 1814. In part, it ran as follows:

"By a law of Congress, one of the Judges, appointed by virtue of the ordinance for the government of this territory, is authorized to hold a court. Thus one of the Judges, being competent to hold a court, may decide a principle or point of law at one term; and, at the next term, if the other two Judges are present, they may decide the same principle or point of law different. Thus, the decisions of the superior court, organized, we presume, by the general government, finally to settle in uniformity the principles of law and fact, which may be brought before them by the suitor, may be, and frequently are, in a state of fluctuation: hence the rights of persons and property become insecure. There is another evil, growing out of the system of one Judge being competent to hold the superior court, or that court which forms the last resort of the suitor in any government, and particularly in the territory; for appeals are taken from all the courts of inferior jurisdiction in the territory to the court organized by the ordinance, which inferior courts are never constituted of less than two Judges. Thus, the suitor in the territory is frequently driven to the necessity of appealing from the judgment of two men to that of one. Hence the want of uniformity in the decisions of the court of the last resort. Anger and warmth in the suitor, and a confusion in our system of jurisprudence, is the result."

These letters and petitions show that our early lawyers at least had some pretty definite ideas on jurisprudence. The paper was not without effect. Jennings supported a measure

through Congress which directed the Judges of the General court to hold two sessions of the court annually in each of the counties, Knox, Harrison and Franklin. Not only the county, but the town and day were set down. At least two of the Judges were required to be present at these courts, and no other Judge was allowed to sit with them on these occasions. This statute bears date of February 24, 1815.

As a final touch to this old territorial Supreme court, Congress, April 29, 1816, invested it with chancery powers as well as Common Law jurisdiction, to be exercised under the direction of the territorial Legislature. But its days were over. The Congress had even then determined on statehood for Indiana, and all were turning their attention to the Constitutional convention.

We have only the most meager account of the Constitutional convention of 1816. Of the membership, a large number—a majority—were lawyers. Among these, were some of the best men of the territory—Joseph Holman, Robert Hanna, James Noble, James Dill, James Scott, Davis Floyd, John Johnson and Benjamin Parke. The two latter were among the very best lawyers in the territory. The committee on the judiciary consisted of Scott, Johnson, Dill, Milroy, Noble, Cotton and Lowe.

James Scott was then on the Supreme bench of the territory, the last man appointed. He had been a practicing attorney five years and was still to serve his state long and satisfactorily. John Johnson had been selected, along with John Rice Jones, as early as 1807 to codify the laws of the territory. Like Scott, he later sat on the state Supreme bench. James Dill was an Irish lawyer of Lawrenceburg. He was a son-in-law of Governor St. Clair and served as clerk of the Dearborn court for twenty-six years. He was a lawyer of the old school. He never appeared in court except in wig and queue, knee breeches and silver buckles. Samuel Milroy was a lawyer, a trader, a farmer, and, above all, one of the organizers of the Jacksonian party in Indiana. His home was at Salem. William Cotton was a Judge of Switzerland county. William Lowe was an Associate Judge and a lawyer, who moved to

Bloomington about 1818 and became one of the leading lawyers of that village.

We can easily believe the provisions in the Constitution were the work of Johnson and Scott, with perhaps the aid of Parke, who later was called home and did not return till after the first committee assignments—June 14. However, on the same day, he and Nathaniel Hunt were added to the committee on the judiciary. Parke was also chairman of the general committee on revision. Judge Scott was chairman of the committee on the judiciary and made the committee report on June 17. The report was discussed in committee of the whole next day, Judge Parke presiding. Some amendments were made. On June 20 the report was again in the hands of the committee of the whole, General Noble presiding. On June 21, the judiciary report was taken from the hands of the committee of the whole and turned over to a select committee composed of Parke, Holman, Cotton, Benefiel, Dill and Lowe. This is significant from the fact that Parke and Holman, two radical anti-slavery men, took the place of Scott and Johnson, the latter of whom was the leader of the pro-slavery party, with which Judge Scott usually voted.

On the 22nd, Judge Parke reported a system differing somewhat from the one reported by Scott. In the Supreme court two of the three Judges were made a quorum, while Scott had required a full court. In the Circuit courts, the President Judge alone or the two associates could hold court, except that in a criminal case the President Judge must be present. Scott had not limited the associates, but had permitted any two of them to hold court in any case. In section four, Scott had permitted all judicial officers to hold office for life. Parke made the term seven years. Scott had required the Supreme court to sit at the capital, a limitation which Parke did not make. In the selection of Judges, Scott had allowed the governor to appoint President Judges, a power taken away by the Parke draft. Under the Scott plan, the clerks were to hold office at the pleasure of the courts, but under the new draft they were limited to a seven-year term. A twelfth section was added, on motion of General Noble, which provided for the election of a competent number of

Justices of the Peace, to serve for five-year terms in each county.

On June 25, Article V, on the Judiciary, was again taken up. Several amendments were proposed and voted down before the article was passed to engrossment. On the 27th the article was passed and the work of the convention, so far as the judiciary was concerned, was ended. It is sometimes assumed, from the brief time of the sitting of the Constitutional convention, that there was little discussion. Such is not the whole truth. There were only a few books available from which the members might refresh their ideas on any subject. The convention at one time suggested that the state reimburse the citizens of Harrison county who had voluntarily donated money with which to buy books for the use of the convention. The convention was in committee of the whole a short time each day; it was in regular session another brief period, and the remainder of the day was spent by the various committees in their work. If by discussion is meant long-winded speeches, then none was had, for there is no evidence of a single speech by anyone on any subject.

Article V of the completed Constitution (1816) consists of twelve short sections, covering scarcely two pages. The first section, which reads, "The judiciary power of this state, both as to matters of law and equity, shall be vested in one Supreme court, in Circuit courts, and in such other inferior courts as the General Assembly may from time to time direct and establish," is almost a word-for-word copy of the corresponding section in the Kentucky Constitution. The phrase, "in Circuit courts," is the only difference. The second article resembles very closely the Ohio provision in everything except the grant of original jurisdiction. It provides for a Supreme court of three Judges, two to form a quorum, with appellate jurisdiction only. The General Assembly was, however, empowered to grant the Supreme court original jurisdiction in capital cases as well as in certain chancery cases in which the President of the Circuit court might be personally interested. The third section dealt with the Circuit court. It was to consist of a President Judge and two associates, the President to serve for a whole circuit, of which there were to be three,

the two associates for a single county. This was a Common Law as well as a Chancery court. It also had complete criminal jurisdiction. The President alone, or both associates, could hold court. The two associates could not sit on a capital case nor in chancery. The General Assembly was given power to increase the number of circuits as the state grew. The Circuit court idea was evidently borrowed from Pennsylvania, as neither Ohio nor Kentucky had exactly such a court. The Indiana courts had a smaller number of Associate Judges than those of any other state. In Pennsylvania there were three or four; in Kentucky, no definite number; in Ohio, two or three. The Ohio Circuit court was the ordinary Common Pleas court with chancery jurisdiction.

Section four provided for a seven years' tenure for all Judges and five years for the Justices of the Peace. There was a strong faction in the convention favoring life tenure, but the seven-year term was finally accepted as a compromise. The first draft by Scott, as noted before, was for a life tenure of the Judges. Pennsylvania and Kentucky Judges held for life, and Ohio Judges for seven years. The change is due to the growth of what was later an element of Jacksonian democracy. The reign of the "spoils system" was beginning. The citizens of Indiana criticised the tenure for being too long rather than too short.

Section five made each Judge, of whatever rank, a conservator of the peace. The section is copied bodily from the Ohio Constitution. Section six directs that the Supreme court shall hold its sessions at the capital and the Circuit courts shall be held in the respective counties. All other questions of time, place and frequency are left to the discretion of the General Assembly. This section is an outgrowth of the experience of Indiana Territory.

Section seven deals with the choice of Judges and bears on its face evidence of considerable struggle in the convention. The tendency of the times was away from life tenure and executive appointment. This tendency by 1816 was gaining considerable force in the western part of the United States—Ohio, Indiana and Illinois being more radical than Kentucky and Tennessee. Even the first draft of this section by Scott

had broken away from the custom in the old states, where Judges of all kinds were appointed by the governor. Ohio had made them elective by the Legislature on joint ballot. In Kentucky, local Judges were appointed by the executive on the recommendation of the representatives from the section or district where the Judge was to serve. The Indiana Constitution provided that the governor should appoint the Supreme Judges, subject to the ratification of the Senate; that the General Assembly, on joint ballot, should select the President Judges; and that the voters at the regular elections should choose the Associate Judges and the Justices of the Peace, the latter for a five-year term. The section looks very much like a compromise.

Likewise, in the choice of the officers of the court there is seen the growth of the tendency toward popular elections and short terms. The Supreme court was permitted to appoint its own clerk, but the Circuit court clerk was elected by the voter, no one, however, being eligible without a certificate from a Supreme or President Judge. This made the office a fairly continuous one. It has been noted above that General Dill served Dearborn county in that capacity more than a quarter of a century. The regular term of the clerk was seven years, but it usually happened that an efficient and accommodating clerk remained in office much longer, in many cases a lifetime.

It is significant that the articles on the judiciary in the constitutions of Pennsylvania, Tennessee, Kentucky, Ohio and Indiana have twelve articles each. A comparison shows a startling similarity and indicates that Pennsylvania had more influence on the states of the Ohio valley than any other of the original states.

Indiana had profited by its sixteen years of experience. Its system as laid down in its Constitution not only took advantage of this experience, but also of that of its sister states. Conflicting powers, duplicate or concurrent jurisdictions, and uncertainty of sittings had been the bad features of the territorial system. Jurisdictions had been chopped up until the law was bewildering to its suitors. A part of the probate business was handled by Probate courts, part by Orphans'

courts, part by Chancery or Common Pleas courts. An attorney might be able to practice in one of the courts and not in another. There had been jealousy and wrangling between the territorial and local Judges, to the consequent demoralization of the litigants. The chief criticism that can be made on the Indiana system of 1816 is that it continued the pernicious system of Associate Judges. In most cases they were more than merely useless or meddlesome. As compared with the many superb men who rode the circuits as President Judges they were a very inferior class. Yet it is only fair to say that many excellent citizens were Associate Judges. The new system was simple and clear cut. The first General Assembly met before the state was admitted. It sat for only a brief session and was occupied mainly with those things necessary to putting the new government into running order. The Constitution expressly directed that the old courts continue until the new were organized and ready for business. Immediately on its convening the Assembly took up the work of organizing the judiciary. The act of December 24, 1816, divided the state into three circuits. The First circuit was composed of Knox, Gibson, Warrick, Posey, Perry, Pike and Daviess. The General Assembly, on December 21, 1816, elected Benjamin Parke President Judge of this circuit. He was succeeded after a brief time by Isaac Blackford. An imaginary trip with him will give us some idea of the times and work from the standpoint of the courts.

Beginning his circuit at his home at that time, he held court at Vincennes from the last Monday of February during the ensuing two weeks. He then went to Princeton in time to open court on the second Monday of March. After a two-weeks' session there, he proceeded through the wilderness along the trail to the Ohio. His next court began at the county seat of Posey at Blackford, a town named for Judge Blackford, and located in the northeast corner of what is now Marrs township. There, where cornfields now hold sway, the county of Posey had just completed, or perhaps the builders were still working on, a magnificent court house, twenty-six by twenty, "to be built of logs of a handsome size, hewed down inside and out, one story and a half high, with one door fronting the

street and one window right opposite the door, with six panes of glass, eight by ten each; lower floor to be well laid with plank of puncheon, the upper floor to be laid with plank with a convenient staircase from the lower; the house to be well covered with a clapboard roof, with ribs and weight poles well peeled; one chimney to be handsomely built of sticks and mortar; the house to be well chinked and daubed, and also to be well underpinned; all the timber to be of some good lasting quality; also one window to be cut in the gable end of the upper story finished as the window below; each one to be furnished with convenient shutters, all the other parts of said building to be finished and done in a workmanlike manner."

After a term of two weeks in this palace of justice, the Judge had to make his way to Darlington, in Warrick, where another new court-house had just been "reared" at a cost of two hundred and ninety dollars. He opened court here on the fourth Monday of March. (It may seem difficult to hold court at Blackford for two weeks after the third Monday of March and get to Darlington in time to open court the fourth Monday, but such was the law.) This court calendar seems inexplicable, but as a matter of fact the President Judge stayed for the important trials only and usually left the last week of the session in the hands of the Associate Judges.

Proceeding eastward, our Judge had to traverse fifty miles of wilderness by the Evansville-Corydon postroad, or perhaps by boat to Troy, the county seat of Perry, where, in the house of Associate Judge McDaniel, he was due to hold court on the first Monday of April. Doubling on his trail after closing court at Troy, he headed north on the Maxville-Vincennes trail for Petersburg, where a new county government—Pike—was put in operation on February 1, 1817. His court here was to open on the second Monday of April, and on the following Monday he was due at Liverpool (now Washington), Daviess county.

Allowing one week for each appointment, although the statute said two weeks, provided there was sufficient business, it would thus require seven weeks, or approximately two months. The distance around the circuit was about one hundred and seventy-five miles, or twenty-five miles between ap-

pointments. The travel alone would require at least a full week.

He was due for his second term of the year at Vincennes on the last Monday of May; at Princeton on the second Monday of June; at the Posey county court-house on the third Monday of June; at Darlington on the fourth Monday of June; at Troy on the first Monday of July; at Petersburg on the second Monday of July; at Washington on the third Monday of July.

For his third trip, he started at Vincennes on the third Monday of September and opened his last court for the year at Washington on the third Monday of November. Thus for nine months of the year he was continually on the circuit. During the winter, courts were not in session at first. As new counties were formed and litigation increased, terms became longer and the whole year was consumed.

The Second circuit was composed of Clark, Jackson, Washington, Orange and Harrison. David Raymond was selected by the General Assembly as the President Judge for this circuit. He was an attorney from Vincennes, but what became of him does not appear. He served less than one year.

He held his first court at Charlestown on the third Monday of March, 1817. William Goodwin and John Beggs were his Associate Judges in Clark county; Isaac Shelby was his clerk.

From Charlestown, the Judge made his way by the Delaware trail to Vallonia. Here, on the first Monday of April, 1816, the same David Raymond (the clerk spelled it "Rayman") held court in the house of William Crenshaw. Joseph Kitchell and the well-known pioneer, John Ketcham, were his Associates. The first case on this old docket is a slander case of Joseph Kitchell against James Hutchinson. It was tried before four arbitrators.

From Vallonia, or Brownstown, where court was afterward held, this circuit rider went to Salem, thence to Paoli, and thence to Corydon and up the river home. He was due at Salem the second Monday of April, at Paoli the third Monday of April, and at Corydon the fourth Monday of April. He thus had only a week for each appointment, including the time necessary to travel from place to place. The maximum session of court at each place was twelve days, though it is evi-

dent the President Judge could not spend one-half that time at any given point. His itinerary called for five weeks and he was required to make three rounds each year. This was not so difficult a circuit as the First.

The Third circuit was composed of Dearborn, Franklin, Wayne, Switzerland and Jefferson, five counties in all. This circuit contained almost one-half the population of the state in 1816.

John Test was the first Judge on the Third circuit. Few men of the second rank were as well and agreeably known as Judge Test. He was a native of New Jersey, but spent most of his life in the practice of the law at Brookville. He served for three terms as congressman from Indiana.

His circuit began in Lawrenceburg, where he opened court on the fourth Monday in February. It is probable that Lawrenceburg had the finest court-house in the state at that time. It was a two-story brick, the lower floor being used for the court room and the upper for the juries. However, the log jail in the square would have reminded one that it was still a pioneer society. It is also probable that the Dearborn county bar was the most ceremonial and pompous in the state. Judge Test, himself, put on the latest robes of the profession, including a queue that reached his waist. Several of the lawyers and officers had been officers in the Revolutionary army and liked to preserve something of their military bearing. Such were James Dill, Amos Lane, James Noble, Jesse L. Holman, Stephen C. Stevens and Jesse B. Thomas.

From Lawrenceburg, the Judge went up the Whitewater valley to Brookville in Franklin county, a distance of probably twenty or twenty-five miles. Brookville was an important town, one of the leading towns of the state, the home of the Nobles, the Tests and the Rays.

From Franklin to Wayne county was a somewhat longer ride. The Franklin term opened on the first Monday of March and the Wayne county term one week later. The county seat at this time was at old Salisbury. Court had been held here, as well as at the other points mentioned, for several years and a well-appointed bar was on hand at the opening of the sessions.

Switzerland was the next point. Here Judge Test found a new court—less than two years old—and a settlement of French people. From Vevay, the seat of Switzerland county, the Judge continued, after spending the week beginning the third Monday of March at Vevay, down the river to Madison, the county seat of Jefferson county.

This was not a difficult circuit and in many respects was better organized and provided than the other two—not a new court in it nor a county without a fairly good court-house. A better class of attorneys rode the eastern circuit, though, as far as individuals were concerned, there was no lawyer in the east who compared with Parke, Blackford, Johnson, or Dewey in the west.

One of the most regrettable features of this early court history is the fact that circuits were so frequently changed. The same observation holds with respect to the congressional districts. It would have been entirely possible to have preserved the identity of the old circuits, but, instead of doing this, wholesale changes were made. Not only is this true with regard to the counties composing the circuits, but it is equally true with regard to the terms.

The law of January 28, 1818, re-circuited the state. Knox, Sullivan, Daviess, Vigo, Dubois, Lawrence and Monroe were placed in the First circuit. The route of the circuit was as follows: Beginning at Bloomington the first Monday of March; thence to Palestine, county seat of Lawrence, on the Thursday following the above date; thence to Portersville, in Dubois county, where court was to open on the second Monday of March; thence to Washington, in Daviess, by the third Monday of March; thence to Vincennes by the first Monday of April; thence to Carlisle, in Sullivan, by the third Monday of April; and lastly to Vigo, where court was opened at Terre Haute on the fourth Monday in April. This circuit was repeated three times annually. The sessions were greatly reduced by this act. The Monroe court was to hold two days, Lawrence three, two weeks in Knox, and one week each in Dubois, Daviess, Vigo and Sullivan.

The Second circuit was composed of Harrison, Orange, Washington, Jackson, Clark and Jefferson. The circuit began

on the first Monday of March at Paoli; Salem, on the second Monday; Brownstown, on the third Monday; Madison, on the fourth Monday; Charlestown, on the second Monday of April, and Corydon, on the fourth Monday of April. The circuit occupied thus about nine weeks and was to be covered three times a year. On this circuit the session was for twelve days except for Jackson, Washington and Orange counties, where each term was to last at least six days. Later the same year Crawford county was added to this circuit. Its court was held at Mt. Sterling.

The Third circuit was composed of Randolph, Wayne, Franklin, Dearborn, Switzerland, Ripley and Jennings. The itinerary began at Brookville on the second Monday of February, Centerville (the new county seat of Wayne), the first Monday of March, at Winchester on the second Monday of March, at Lawrenceburg on the third Monday of March, at Vevay on the first Monday of April, at Vernon (in Jennings county) and at Marion in Ripley county on the Thursday following the sitting at Vernon. It is significant in this connection that the statute specifically states that court shall be held at Centerville. In all these directions it specifies no other town, but merely says in a given county. The reference is to the bitter county-seat war then raging in Wayne. The lengths of the terms vary from two weeks in Franklin, Wayne, and Dearborn to one week in Switzerland and Randolph and three days each in Jennings and Ripley.

The Fourth and last circuit was composed of Gibson, Posey, Vanderburg, Warrick, Spencer, Perry and Pike. The trip began at Princeton on the first Monday in February; thence to the new court house built by Frederic Rappe at Springfield, in Posey county, on the third Monday of February; thence to Evansville on the fourth Monday of February; thence up the river to Darlington, in Warrick, by the first Monday of March; thence to the county seat, Rockport, in Spencer, the second Monday in March; thence up to Troy, in Perry, on the third Monday of March; thence to the end of the circuit at Petersburg on the fourth Monday in March. This court sat one week at a place except Princeton, where it sat two.

The salary of the circuit Judge was seven hundred dollars per annum, the same as that of the Judges of the Supreme court. The work was hard and the exposure great. Only men of the strongest physique could hold out on the circuit. The litigation rapidly increased, as can be seen from the length of the terms in the older counties.

In explanation of the seemingly impossible schedule, it should be stated that the Associate Judges usually opened court and impaneled the grand and petit juries. Local attorneys filed the pleadings for most of the cases and set the dates for trial, so that considerable speed could be made when the President Judge arrived. Very frequently, as the county records show, the President Judge never attended at all unless there was an important criminal case on the docket.

Two of the three circuit Judges elected in 1816 had handed in their resignations before the General Assembly convened in 1817. During the intervening time the governor had filled the vacancies by special appointment. On the 8th of February, 1817, William Prince, of Princeton, had been appointed to succeed Benjamin Parke of the First circuit, who had been appointed a federal Judge for the Indiana district. On October 13, Davis Floyd, of Corydon, had been appointed to fill the vacancy caused by the resignation of David Raymond of the Second district. What had become of Raymond cannot be learned from any records at hand.

A notice of these appointments was given the General Assembly by the governor, January 24. On the same day the House summoned the Senate to meet it in joint session on the 27th to elect Judges to fill these vacancies and also to elect a Judge for the new district. The joint meeting was held and William Prince was chosen for the First circuit, Davis Floyd for the second, and David Hart for the fourth.

William Prince was an early settler of Knox county and, later, of Gibson when it was created. His home was in Princeton and the city is named for him. He served as Judge only from August, 1816, to March, 1817. In 1823 he was elected to Congress, but died, September 8, 1824, before his term of office expired.

Judge Davis Floyd was one of the most interesting charac-

ters in early Indiana. He was one of the early settlers at Clarksville, where he opened a tavern as early as 1801. He was licensed as a Falls pilot at the same time. He was connected with the courts from their earliest organization. He took an active part in aiding Burr, for which he was brought to trial on a charge of treason. He was fined ten dollars and imprisoned three hours. In the anti-slavery struggle he took an active part against slavery. He served in the territorial and state Legislature frequently. It is said that he designed our present state seal. About 1815 or 1816 he moved to Corydon, and represented Harrison county in the first General Assembly. After serving out his seven-year term, President Monroe sent him on a government appointment to Florida, from which it is thought he never returned. He was not a great lawyer, but seems to have been a satisfactory Judge, due perhaps to his strong personality and firm character.

David Hart, in March, 1817, succeeded William Prince in the old First circuit. He was an attorney from Gibson county. He rode the Fourth circuit about one year, being succeeded by Richard Daniel on January 2, 1819. His father had been interested in the Transylvania land deal, coming originally from North Carolina. Judge Hart came from Kentucky to Princeton in 1815. He went to Evansville about the time the town was laid out and became interested in real estate. He evidently died in December, 1818, since the records state that Richard Daniel was commissioned January 2, 1819, "vice Hart, deceased." His family returned to Lexington after his death. The traveler, W. Faux, who was in Princeton toward the close of 1818, speaks of Judge Hart as a gay, humorous man of twenty-five. He was proprietor of a tavern, dressed in an old white beaver hat, coarse, threadbare coat and trousers made of domestic, yellow-striped waistcoat, out at elbows; yet clean and refined in language. He told Faux that the legal profession was the least profitable occupation in the country and "merchandising" the most profitable.

Everything was new and changing. Each General Assembly created new counties and consequently had to create new courts and attach them to the old circuits or to new ones. The records at the county seats show the names of strange Judges

occasionally, evidencing the fact that special Judges made trips around the circuit or were appointed for special terms or perhaps for special cases. The county seats in many counties were not permanently located. In others no court-houses had been erected.

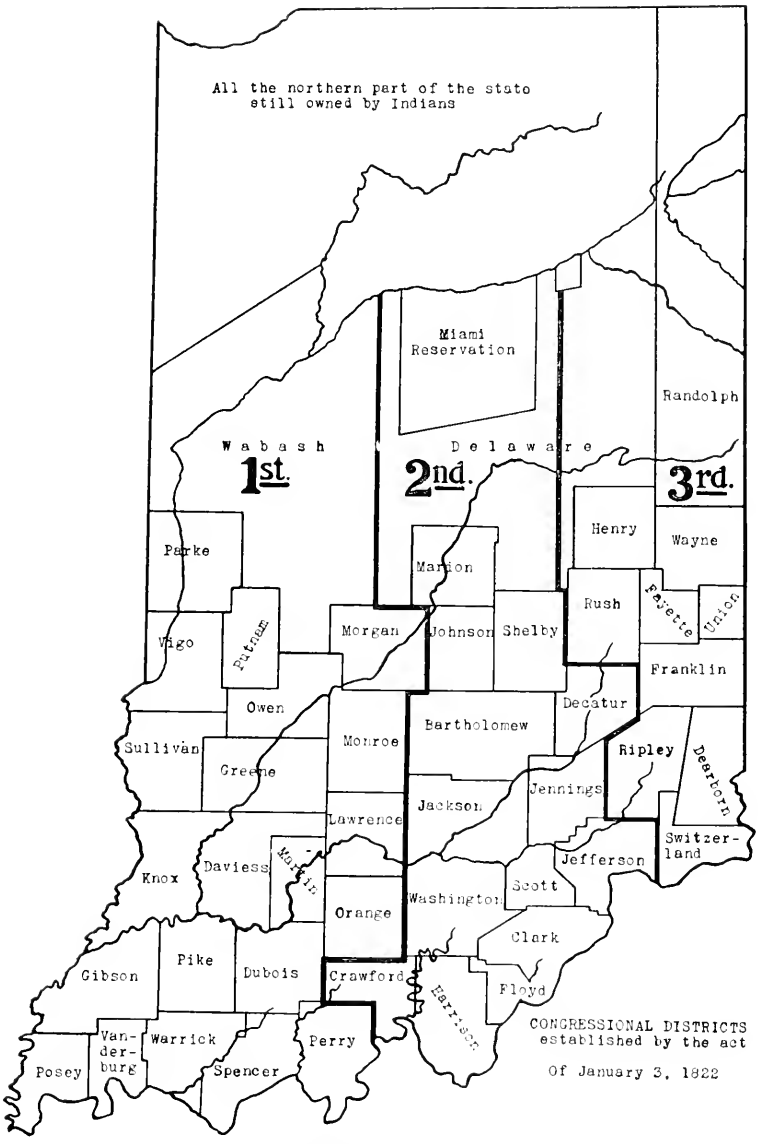
A law of January 2, 1819, changed the dates for holding courts in the Second, Third and Fourth circuits. In the same act the place of holding the Perry Circuit court was designated as "Franklin", the modern village of Rome; in Spencer county, court was to meet at the house of Asel W. Dorsey; in Warrick, for the first time at Boonville; in Vanderburgh, at the town of Evansville in the house of Hugh McGary; in Posey, at Springfield, and in Gibson, at "Princetown". Several new counties—Fayette, Owen and Floyd—had to be provided for.

The act of January 9, 1821, attached Greene and Orange counties to the First circuit, Crawford to the Fourth and Bartholomew to the Second. This, of course, necessitated a rearrangement of the schedule for these circuits.

On January 2, 1819, Richard Daniel, of Gibson county, was commissioned to succeed David Hart on the Fourth circuit. Judge Daniel was not widely known, serving less than a full year. According to tradition, he had many peculiarities. He was a busy practitioner on the circuit, as the records show, both before and after his judgeship. On January 21, 1820, he was succeeded by James R. E. Goodlet.

A celebrated case that came before Judge Goodlet was that of "Bob" and "Anthony", two colored men held by Luke Decker. The case had been laid in Orange, but in 1817 the case was venued to Pike. It appears from the papers that John Decker, father of Luke Decker, had brought the slaves from Virginia prior to the Ordinance of 1787. The slaves had continued without question as the property of the Decker family until the above date. Decker was defended by Henry Hurst and Charles Dewey, two of the best lawyers of the day —if, indeed, Indiana has ever produced a greater lawyer than the latter.

In the Third circuit, John Watts, of Dearborn, succeeded (February 2, 1819) John Test, of Franklin, as President Judge. He was a Baptist pioneer preacher, an excellent man,



INDIANA IN 1822.

By Ernest V. Shockley.

large, fleshy, plain of dress and speech. He was not a lawyer of any note, but a man of good judgment. He served only about one year and was succeeded, on January 21, 1820, by Miles C. Eggleston, the best-known trial Judge of early Indiana, if he has had a superior at any time in the state.

Miles C. Eggleston opened an office in Brookville. In 1820 he succeeded Watts on the bench where he served till 1845. He was a small man, dignified, and at times severe, but as a Judge eminently fair and usually very kindly.

The law of December 31, 1821, divided the state into five circuits.

The First contained Knox, Sullivan, Vigo, Park, Putnam, Daviess, Martin and Orange—thus retaining about half of its former counties. The Second was composed of Jefferson, Clark, Floyd, Harrison, Washington, Jackson and Scott—dropping Orange to the First and picking up the new county of Floyd. The Third was made of Ripley, Switzerland, Dearborn, Franklin, Union, Fayette, Wayne and Randolph. The Fourth remained as before—Dubois, Pike, Gibson, Posey, Vanderburg, Warrick, Spencer, Perry and Crawford. The Fifth consisted of Lawrence, Monroe, Morgan, Green, Owen, Marion, Henry, Rush, Decatur, Bartholomew, Shelby and Jennings.

The latter circuit, it will be noted, contained twelve counties, all new and most of them in the "New Purchase," just then being opened up. The term in the new counties was limited to three days.

On the 2nd of January, 1822, William W. Wick was elected president Judge of the Fifth circuit. He was born February 23, 1796, and educated at Canonsburg, Pennsylvania. He settled in Connersville in 1820 and began practice as an attorney. He was an assistant clerk in the House during the session of 1820-21 and held the same position in the Senate at the time he was elected President Judge. Later he served as secretary of state (1825-29), prosecuting attorney for the Fifth circuit (1829-30), and President Judge (1831-1835). He served three terms in Congress and held various other offices. He was a successful politician, though only an indifferent lawyer or Judge.

On the First circuit Thomas H. Blake had been appointed Judge on May 16, 1818, vice William Prince, resigned. He was then a practicing attorney of Terre Haute. He was born in Calvert, Maryland, June 14, 1792, served in the East during the War of 1812; moved to Kentucky and soon after to Indiana. He had served as prosecutor before becoming Judge. He was followed on the bench by General W. Johnston, December 31, 1818, and quit the law about 1820 and went into business and politics. He was in Congress from 1827 to 1829.

His successor on the bench, General Washington Johnston, was a widely-known attorney of Vincennes. He was born in Culpeper county, Virginia, and came to Vincennes in 1783, having been the first attorney admitted to practice at the Vincennes bar. He twice presided over the Circuit court of his district and often represented his county in the Legislature. He died at Vincennes, October 26, 1833.

The General Assembly of 1823-24, by act dated January 14, 1824, redistricted the state as follows: Orange, Martin, Daviess, Knox, Sullivan, Vigo, Parke, Vermillion, Montgomery, Putnam, Greene and Owen were placed in the First circuit; Scott, Jefferson, Jennings, Jackson, Monroe, Lawrence, Washington, Harrison, Floyd and Clark constituted the Second; Allen, Randolph, Wayne, Union, Fayette, Franklin, Dearborn, Switzerland and Ripley formed the Third; Dubois, Pike, Gibson, Posey, Vanderburg, Warrick, Spencer, Perry and Crawford were in the Fourth circuit; Morgan, Johnson, Shelby, Bartholomew, Decatur, Rush, Henry, Madison, Marion, Hamilton and Hendricks formed the Fifth.

The districts at this time contained from nine to twelve counties each. The amount of horseback travel required is almost unbelievable. In this regard the Third circuit at that time was worst. It extended from Fort Wayne to Vevay, a distance of one hundred and thirty-five miles as the crow flies and at least one hundred and fifty miles by the bridle paths of that day. The Judge of this circuit lived in Brookville, making it necessary for him to travel approximately one hundred miles in February to open court on time in Fort Wayne. The trip was not so bad if winter was still unbroken; but if the spring thaw had begun and the streams were not frozen,

it was necessary to swim at least a score of streams on the trip. The summer trip to open court on the second Monday of August was not more attractive. If the weather was warm and wet, the country from Winchester to Fort Wayne was an endless quagmire. So dreaded was this road that the circuit riders frequently went around by Muncie and Marion, striking the old Delaware Trail, which was on the firmest ground in that country.

It is to be noted that the number of terms was reduced to two in all counties. Except for the added distance, this compensated for the enlargement of the circuits. The length of the terms in the various counties ranged from three to six days under this law.

Each session of the Legislature found it necessary to change more or less the schedule and term time of the courts and circuits. This had to be done whenever a new county was admitted. In the large circuits it became more and more necessary to authorize extra or special terms. These were usually held by the Associate Judges alone, resulting generally in the demoralization of the courts. Probate courts were established and it seemed the simplicity of the system was in a good way to be marred by a return to a multiplicity of jurisdictions. The work of the President Judge and his cavalcade of great lawyers was fast becoming merely a criminal court.

On January 20, 1830, in order to give the Circuit court a better chance, the state was divided into seven circuits as follows: Vermillion, Parke, Montgomery, Fountain, Warren, Tippecanoe, Carroll, Cass, Clinton and St. Joseph were constituted the First circuit; Clark, Scott, Jackson, Washington, Lawrence, Orange, Harrison and Floyd were left in the Second circuit; Franklin, Dearborn, Ripley, Decatur, Switzerland, Jefferson and Jennings remained in the Third; Gibson, Posey, Vanderburg, Warrick, Spencer, Perry, Crawford and Pike were placed in the Fourth; Marion, Hendricks, Morgan, Johnson, Bartholomew, Shelby, Hancock, Madison and Hamilton formed the Fifth circuit; Allen, Delaware, Randolph, Henry, Wayne, Union, Fayette, Rush and Elkhart were placed in the Sixth; Knox, Daviess, Martin, Greene, Monroe, Owen, Vigo, Putnam, Sullivan and Clay formed the Seventh circuit.

The terms remained in length and numbers about as before. There were two terms, spring and fall (named, however, from the month in which they were held), ranging in length from three days in the new counties to six or twelve in the old. A new schedule or itinerary was made out for each circuit. There were not so many changes in the judgeships during this period as earlier.

On January 14, 1825, Governor Hendricks notified the Assembly that Judge W. W. Wick, of the Fifth circuit, had resigned. In his place the Assembly, January 17, chose Bethuel F. Morris, who was then serving as state agent.

On January 22, 1825, the Assembly again met in joint session for the purpose of electing a Circuit Judge for the First circuit. There were three candidates, John R. Porter, who received fifty-four votes; Thomas H. Blake, the President Judge, two, and John Ewing, of Vincennes, one.

Down in the Second circuit, John F. Ross, of Charlestown, succeeded Judge Floyd at the opening of the year 1824. Ross was a young man, thirty-six years old. He had served in the War of 1812, in the General Assembly, and as prosecutor. He was a native of Morgantown, Virginia, whence his parents had moved to Bardstown, Kentucky. Judge Ross died in 1834 while serving his second term.

After the death of Ross, Judge John H. Thompson was appointed his successor for the balance of the term. He was then elected for a full term. Thompson had been lieutenant-governor from 1825 to 1828. He lived in Charlestown at the time. Later he moved to Salem and from there to Indianapolis, where he became secretary of state in 1844.

A law of February 3, 1832, rearranged the schedules in First, Second, Fifth, Sixth and Seventh circuits. New counties were added to some and the length of the sittings changed. However, the identity of the circuits remained. The next Assembly again reorganized the schedules in the First, Second, Fourth, Fifth and Sixth. Grant county was added to the Sixth and the new circuit, the Eighth, was laid out by the act of January 7, 1833, as follows: Carroll, Cass, Miami, Wabash, Huntington, Allen, Lagrange, Elkhart, St. Joseph and Laporte. Gustavus A. Everts was elected President Judge of this

circuit. He was a Virginian by birth, forty-one years of age at this time. He had previously practiced in Union county. After a long service as Judge and lawyer he moved to Texas.

He was succeeded on the bench by Samuel C. Sample, a Marylander by birth, who, with his family, had settled at Connersville about 1823. He studied law under Oliver H. Smith, after which, in 1833, he settled in South Bend. He was soon made prosecuting attorney and in 1835 became Judge, a position he held till 1843, when he was all but forced to represent his district in Congress. He is favorably known in state history.

The schedule of the circuits was changed, February 1, 1833, though no new circuits were organized. The next session, 1833-34, by a series of separate acts, made some change in almost every court in the state. It was an era of special legislation and to one not acquainted with the practice it is extremely bewildering. As a result of the formation of several new counties in 1837, a new circuit was organized. It was formed by dividing the Eighth and adding new counties to both the Eighth and Ninth.

The new Eighth circuit contained Cass, Miami, Wabash, Huntington, Allen, Adams, Wells, Jay, DeKalb, Steuben, Noble, Lagrange and Whitley counties.

The Ninth contained Elkhart, St. Joseph, Porter, Lake, Newton, Starke, Pulaski, Marshall, Fulton and Kosciusko counties.

So far as territory is concerned, the state was now pretty well covered except the extreme northwest corner. But the distribution was not satisfactory; so the first work of the Assembly of 1838-39 was a law to recircuit the state. The law was approved January 28, 1839, and divided the state into eleven circuits.

The First contained Fountain, Warren, Tippecanoe, Clinton, Carroll, White, Jasper, Newton and Montgomery—nine counties.

The Second contained Floyd, Harrison, Washington, Scott, Jackson, Clark and Orange—seven counties.

The Third contained Jefferson, Switzerland, Ripley, Jennings, Dearborn, Franklin and Decatur—seven counties.

The Fourth contained Posey, Gibson, Vanderburg, Pike, Dubois, Spencer, Perry, Crawford and Warrick—nine counties.

The Fifth circuit contained Madison, Hancock, Shelby, Bartholomew, Johnson, Morgan, Hendricks, Boone, Hamilton and Marion—ten counties.

The Sixth contained Wayne, Union, Fayette, Rush and Henry—five counties.

The Seventh contained Knox, Sullivan, Clay, Putnam, Vigo, Parke and Vermillion—seven counties.

The Eighth contained Cass, Miami, Wabash, Huntington, Whitley, Noble, DeKalb, Steuben, Lagrange and Allen—ten counties.

The Ninth contained Fulton, Marshall, Kosciusko, Elkhart, St. Joseph, Laporte, Porter and Lake—eight counties.

The Tenth contained Lawrence, Greene, Owen, Monroe, Brown, Martin and Daviess—seven counties.

The Eleventh contained Delaware, Grant, Blackford, Wells, Adams, Jay and Randolph—seven counties.

The eleven circuits contained eighty-one counties, an average of over seven counties to the circuit. The Sixth circuit, on the headwaters of Whitewater, was the smallest, having only five counties. It was evident that such circuits as the Fifth would soon have to be divided. The whole schedule was changed by the act of January 15, 1841. A new schedule was made in 1843, but no new circuits. On December 14, 1841, the Twelfth circuit had been laid out. It contained the following counties: Allen, Wells, Huntington, Whitley, Noble, Lagrange, Steuben, DeKalb and Adams. By act of January 15, 1847, the counties of Franklin, Decatur, Ripley and Dearborn were erected into the Thirteenth circuit. This left Jefferson, Switzerland, Ohio, Jennings and Bartholomew in the Third. Sixteen separate laws were passed at this session dealing with Circuit courts, and twenty-two dealing with Probate courts.

The last change under the old Constitution was made with the act of March 4, 1852, which took Boone out of the Fifth and placed it in the First. Laws by the scores relating to circuits were passed during the last five sessions of the Legislature, but this was the only change in circuiting between 1847 and 1852, when the new Constitution went into effect.

By 1850, when the Constitutional convention met, the judicial system was a wilderness of special courts, special sessions, special courts for special purposes and special jurisdictions, while Chancery, Probate, Common Pleas and Justice's courts were hopelessly interwoven. Instead of general laws looking toward simplicity, the practice of the General Assembly of remedying each little defect by a special law had resulted in inextricable confusion. The whole judiciary system, once the pride of the Legislature, was now a burden to the state and a weariness to the people. A detailed statement of the judicial circuits from 1813 to 1852 follows. The first act dividing the state into circuits was passed on December 31, 1813, and between that date and 1852 there were no less than *ten* complete recircuitings of the state, namely, in 1814, 1816, 1818, 1821, 1824, 1830, 1831, 1838, 1839 and 1841. Between these various acts changes were made in some of the circuits and these are noted in their proper place.

JUDICIAL CIRCUITS OF INDIANA, 1813-1852.

December 31, 1813.

First Circuit—Knox, Gibson, Warrick.

Second Circuit—Washington, Harrison, Clark, Jefferson.

Third Circuit—Dearborn, Franklin, Wayne.

August 30, 1814.

First Circuit—Knox, Gibson, Warrick.

Second Circuit—Washington, Harrison, Clark, Jefferson, Orange (February 1, 1816).

Third Circuit—Dearborn, Franklin, Wayne, Switzerland (August 7, 1814).

December 24, 1816.

First Circuit—Knox, Gibson, Warrick, Posey, Perry, Pike, Daviess, Sullivan (December 30, 1816).

Second Circuit—Clark, Jackson, Washington, Orange, Harrison.

Third Circuit—Dearborn, Franklin, Wayne, Switzerland, Jefferson, Jennings (December 27, 1816).

January 28, 1818.

First Circuit—Knox, Sullivan, Daviess, Vigo, Dubois, Lawrence, Monroe, Owen (January 2, 1819), Greene and Orange (January 9, 1821), Martin (February 21, 1820).

Second Circuit—Harrison, Washington, Orange, Jackson, Clark, Jeffer-

son, Crawford (January 29, 1818), Floyd (January 2, 1819), Bartholomew (January 9, 1821), Scott (February 21, 1820).

Third Circuit—Randolph, Wayne, Franklin, Dearborn, Switzerland, Ripley, Jennings, Fayette (January 2, 1819).

Fourth Circuit—Gibson, Posey, Vanderburg, Warrick, Spencer, Perry, Pike (January 9, 1821).

January 9, 1821.

Greene and Owen attached to the First, Crawford to the Fourth, Bartholomew to the Second.

December 31, 1821.

First Circuit—Knox, Sullivan, Vigo, Parke, Putnam, Daviess, Martin, Orange, Putnam (April 1, 1822).

Second Circuit—Jefferson, Clark, Floyd, Harrison, Washington, Jackson, Scott.

Third Circuit—Ripley, Switzerland, Dearborn, Franklin, Union, Fayette, Wayne, Randolph.

Fourth Circuit—Dubois, Pike, Gibson, Posey, Vanderburg, Warrick, Spencer, Perry, Crawford.

December 31, 1821.

Fifth Circuit—Lawrence, Monroe, Morgan, Greene, Owen, Marion, Henry, Rush, Decatur, Bartholomew, Shelby, Jennings, Johnson (May 5, 1823), Madison (July 1, 1823).

January 14, 1824.

First Circuit—Orange, Martin, Daviess, Knox, Sullivan, Vigo, Parke, Vermillion, Montgomery, Putnam, Greene, Owen, Fountain and Clay (February 21, 1826), Warren (February 24, 1828).

Second Circuit—Scott, Jefferson, Jennings, Jackson, Monroe, Lawrence, Washington, Harrison, Floyd, Clark.

Third Circuit—Allen, Randolph, Wayne, Union, Fayette, Franklin, Dearborn, Switzerland, Ripley, Delaware (February 24, 1828).

Fourth Circuit—Dubois, Pike, Gibson, Posey, Vanderburg, Warrick, Spencer, Perry, Crawford.

Fifth Circuit—Morgan, Johnson, Shelby, Bartholomew, Decatur, Rush, Henry, Madison, Marion, Hamilton, Hendricks, Monroe (February 21, 1826), Carroll (February 24, 1828), Cass (April 13, 1829), Hancock (March 1, 1828).

January 20, 1830.

First Circuit—Vermillion, Parke, Montgomery, Fountain, Warren, Tippecanoe, Clinton, Carroll, Cass, St. Joseph.

Second Circuit—Clark, Scott, Jackson, Washington, Lawrence, Orange, Harrison, Floyd.

Third Circuit—Franklin, Decatur, Dearborn, Ripley, Switzerland, Jefferson, Jennings.

Fourth Circuit—Gibson, Posey, Vanderburg, Warrick, Spencer, Perry, Crawford, Pike, Dubois.

Fifth Circuit—Marion, Hendricks, Morgan, Johnson, Bartholomew, Shelby, Hancock, Madison, Hamilton, Grant (February 10, 1831).

Sixth Circuit—Allen, Delaware, Randolph, Henry, Wayne Union, Fayette, Rush, Elkhart.

Seventh Circuit—Knox, Daviess, Martin, Greene, Monroe, Owen, Vigo, Putnam, Sullivan, Clay, Brown (April 1, 1836).

February 10, 1831.

First Circuit—Vermillion, Parke, Montgomery, Fountain, Warren, Tippecanoe, Clinton, Carroll, Cass, St. Joseph.

Second Circuit—Scott, Jackson, Lawrence, Orange, Washington, Harrison, Floyd, Clark.

Third Circuit—Ripley, Jennings, Jefferson, Switzerland, Dearborn, Franklin, Decatur.

Fourth Circuit—Gibson, Posey, Vanderburg, Warrick, Spencer, Perry, Crawford, Dubois, Pike.

Fifth Circuit—Marion, Hendricks, Morgan, Johnson, Bartholomew, Shelby, Hancock, Madison, Hamilton, Boone (April 1, 1831).

Sixth Circuit—Allen, Randolph, Delaware, Henry, Wayne, Union, Fayette, Rush, Elkhart, Grant (April 1, 1832).

Seventh Circuit—Knox, Daviess, Martin, Greene, Monroe, Owen, Vigo, Putnam, Sullivan, Clay.

February 3, 1832.

Sixth Circuit—Randolph, Wayne, Union, Fayette, Rush, Delaware, Allen, Elkhart, Henry, LaGrange, Grant (January 7, 1833).

Seventh Circuit—Sullivan, Knox, Daviess, Martin, Greene, Monroe, Owen, Putnam, Clay, Vigo.

January 7, 1833.

Eighth Circuit—Carroll, Cass, Miami, Wabash, Huntington, Allen, LaGrange, Elkhart, St. Joseph, LaPorte, Whitley (February 6, 1836).

February 1, 1833.

Fifth Circuit—Hancock, Shelby, Bartholomew, Johnson, Marion, Morgan, Hendricks, Boone, Hamilton, Madison.

Sixth Circuit—Randolph, Wayne, Union, Fayette, Rush, Henry, Delaware, Grant, Jay (March 1, 1836).

December 19, 1836.

Eighth Circuit—DeKalb, Cass, Miami, Wabash, Huntington, Adams, Allen, Wells, Jay, Steuben, Noble, LaGrange, Whitley.

December 19, 1836.

Ninth Circuit—Lake, Newton, Starke, Pulaski, Marshall, Fulton, Kosciusko, St. Joseph, Porter, Elkhart.

February 17, 1838.

First Circuit—Parke, Vermillion, Fountain, Warren, Montgomery, Clinton, Tippecanoe, Carroll, White, Jasper.

Second Circuit—Floyd, Clark, Scott, Jackson, Lawrence, Washington, Harrison, Orange.

Third Circuit—Franklin, Decatur, Ripley, Jennings, Jefferson, Switzerland, Dearborn.

Fourth Circuit—Dubois, Pike, Gibson, Posey, Vanderburg, Warrick, Spencer, Perry, Crawford.

Fifth Circuit—Hancock, Marion, Morgan, Hendricks, Boone, Hamilton, Johnson, Madison, Shelby, Bartholomew.

Sixth Circuit—Wayne, Union, Fayette, Henry, Rush, Delaware, Grant, Jay, Randolph, Blackford.

Seventh Circuit—Vigo, Brown, Clay, Daviess, Greene, Knox, Martin, Monroe, Owen, Putnam, Sullivan.

Eighth Circuit—Cass, Miami, Wabash, Huntington, Whitley, Noble, Dekalb, LaGrange, Steuben, Allen, Wells, Adams.

Ninth Circuit—Fulton, Marshall, Kosciusko, Elkhart, St. Joseph, LaPorte, Porter, Lake, Starke.

January 28, 1839.

First Circuit—Fountain, Warren, Tippecanoe, Clinton, Carroll, White, Jasper, Montgomery, Benton.

Second Circuit—Floyd, Harrison, Washington, Scott, Jackson, Clark, Orange.

Third Circuit—Jefferson, Switzerland, Ripley, Jennings, Dearborn, Franklin, Decatur. Decatur taken out and put in the Sixth by act of February 13, 1840.

Fourth Circuit—Posey, Gibson, Vanderburg, Pike, Dubois, Spencer, Perry, Crawford, Warrick.

Fifth Circuit—Madison, Hancock, Shelby, Bartholomew, Johnson, Morgan, Hendricks, Boone, Hamilton, Marion.

Sixth Circuit—Wayne, Union, Fayette, Rush, Henry. Decatur attached February 13, 1840.

Seventh Circuit—Knox, Sullivan, Clay, Putnam, Vigo, Parke, Vermillion.

Eighth Circuit—Cass, Miami, Wabash, Huntington, Whitley, Noble, Dekalb, Steuben, LaGrange, Allen.

Ninth Circuit—Fulton, Marshall, Kosciusko, Elkhart, St. Joseph, LaPorte, Porter, Lake, Pulaski (May 6, 1840).

Tenth Circuit—Lawrence, Greene, Owen, Monroe, Brown, Martin, Daviess.

Eleventh Circuit—Delaware, Grant, Blackford, Wells, Adams, Jay, Randolph. Madison taken out of Fifth and put in Eleventh January 15, 1841.

January 15, 1841.

First Circuit—Montgomery, Fountain, Warren, Tippecanoe, Clinton, Carroll, White, Benton, Jasper.

Second Circuit—Floyd, Harrison, Washington, Scott, Jackson, Clark, Orange.

Third Circuit—Jefferson, Switzerland, Ripley, Jennings, Dearborn, Franklin.

Fourth Circuit—Posey, Vanderburg, Pike, Gibson, Dubois, Spencer, Perry, Warrick, Crawford.

Fifth Circuit—Hancock, Shelby, Bartholomew, Johnson, Morgan Hendricks, Boone, Hamilton, Marion.

Sixth Circuit—Wayne, Union, Fayette, Rush, Henry, Decatur.

Seventh Circuit—Knox, Sullivan, Clay, Putnam, Vigo, Parke, Vermillion.

Eighth Circuit—Cass, Miami, Wabash, Allen, Huntington, Whitley, Noble, Dekalb, Steuben, LaGrange.

Ninth Circuit—Fulton, Marshall, Kosciusko, Elkhart, St. Joseph, LaPorte, Porter, Lake, Pulaski.

Tenth Circuit—Lawrence, Greene, Owen, Monroe, Brown, Martin, Daviess.

Eleventh Circuit—Delaware, Grant, Blackford, Wells, Jay, Adams, Randolph, Madison.

December 14, 1841.

First Circuit—Montgomery, Fountain, Warren, Tippecanoe, Clinton, Benton.

Eighth Circuit—Cass, Miami, Wabash, Fulton, Pulaski, White, Jasper, Richardville (Howard), Carroll.

Ninth Circuit—Marshall, Kosciusko, Elkhart, St. Joseph, LaPorte, Porter, Lake.

Eleventh Circuit—Delaware, Grant, Blackford, Jay, Randolph, Madison, Tipton (after May 1, 1844).

Twelfth Circuit—Allen, Wells, Huntington, Whitley, Noble, LaGrange, Steuben, Dekalb, Adams.

January 26, 1842.

Fifth Circuit—Hancock, Shelby, Bartholomew, Johnson, Hendricks, Boone, Hamilton, Monroe.

Tenth Circuit—Lawrence, Greene, Owen, Monroe, Brown, Martin, Daviess, Morgan.

May 1, 1844.

Third Circuit—Jefferson, Switzerland, Ripley, Jennings, Dearborn, Franklin, Ohio.

January 3, 1847.

Third Circuit—Jefferson, Switzerland, Ripley, Jennings, Dearborn, Franklin, Ohio, Bartholomew.

January 15, 1847.

Third Circuit—Jefferson, Switzerland, Jennings, Ohio, Bartholomew.

Sixth Circuit—Wayne, Fayette, Union, Rush, Henry.

Thirteenth Circuit—Franklin, Decatur, Ripley, Dearborn.

January 12, 1850.

Fifth Circuit—Hancock, Shelby, Bartholomew, Johnson, Hendricks, Boone, Monroe.

Eleventh Circuit—Delaware, Grant, Blackford, Jay, Randolph, Madison, Hamilton.

March 4, 1852.

First Circuit—Montgomery, Fountain, Warren, Tippecanoe, Clinton, Benton, Boone.

Fifth Circuit—Hancock, Shelby, Bartholomew, Johnson, Hendricks, Monroe.

The new Constitution went into operation on October 12, 1852, and the Legislature made the first districting on June 17, 1852, dividing the state into ten circuits. The President Judges from 1816 to 1852 follow:

PRESIDENT JUDGES—1816-1852.

Circuits.	Judges.	Tenure.
4	Battell, Charles I.	1835
8	Biddle, Horace P.	1847-52
6	Bigger, Samuel	1836-40
1	Blake, Thomas	1818
12	Borden, James W.	1841-51
7	Bryant, William P.	1841-51
1	Call, Jacob	1822-24
9	Chamberlain, Eben. M.	1843-52
8	Chase, Henry	1839-47
3	Cushing, Courtland	1844-50
4	Daniel, Richard	1819-22
1	Doty, Jonathan	1819-22
3	Downey, Alexander C.	1850-52
13	Dunn, George H.	1847-50
7	Eckles, Delana R.	1851-52
3	Eggleston, Miles C.	1820-44
6	Elliott, John T.	1844-51
4	Embree, Elisha	1835-46
8	Everts, Gustavus A.	1833-36
8	Ewing, Charles W.	1836-39
5	Finch, Fabius M.	1842-43
2	Floyd, Davis	1817-23
4	Goodlet, James R. E.	1822-32
7	Gookins, Samuel B.	1850-51
4	Hall, Samuel	1832-35
4	Hart, David	1818
4	Hovey, Alvin P.	1851-52
7	Huntington, E. M.	1837-41
1, 7	Johnston, General W.,	1818-19, 1831-32
11	Kilgore, David	1839-46
7	Kinney, Amory	1831-37
7	Law, John	1830-31, 1844-50
4	Lockhart, James	1846-51
9	Lowry, Robert	1852
5	Major, Stephen	1842, declined
13	McCarty, William M.	1850-52
10	McDonald, David	1839-52
12	McMahon, Elza A.	1851-52
3	Meek, Alexander A.	1819
8	Milroy, Robert H.	1852
5	Morris, Bethuel F.	1825-39
5	Morrison, Jas.	1825-34, 1839-42
6	Morton, Oliver P.	1851-52
1	Naylor, Isaac	1838-52
9	Niles, John B.	1843
2	Otto, William T.	1844-52
1	Parke, Benjamin	1816-17

Circuits.	Judges.	Tenure.
5	Peaslee, William J.	1842-49
6	Perry, James	1837-44
1	Porter, John R.	1824-38
1	Prince, William	1817-18
5	Quarles, William	1842
2	Raymond, David	1816-17
2	Ross, John F.	1823-34
11	Rulon, Morrison	1839
	Failed to qualify.	
8, 9	Sample, Samuel C.	1836-43
11	Smith, Jeremiah	1846-52
6	Test, Chas. H.	1830-33, 1832-35
3	Test, John	1816-19
2	Thompson, John H.	1834-44
3	Watts, John	1819-21
5	Wick, W. W.	1822-25; 1834-39; 1849-52.
8	Wright, John W.	1839-47

CHAPTER IV.

The Circuit Riders.

No limited discussion of the personnel of the old Circuit courts can convey an adequate notion of their importance. To say that they dominated the state government is to put it very mildly and it would also convey a wrong impression. To say that they were the state government would be somewhat beyond the truth, but more in harmony with it.

Jonathan Jennings, the first governor, was a member of the Charlestown bar long before Indiana was a state. He was the friend and neighbor of Judges Dewey, Scott, Holman, Parke and Floyd, who sat on the Circuit bench as Judges or pleaded at its bars. Jennings was in Congress from 1809 to 1816.

William Hendricks was one of the earliest members of the bar at Madison. On this circuit he met the people up the Whitewater as far as Richmond and at other times (for the circuits were often changed) the settlers of the White river counties. His library, now at Indiana University, shows what books were his favorites, which consisted of only two or three small volumes which one might carry in an overcoat pocket or, as he did, in one side of his saddle bags to balance his change of clothing and perhaps a dinner in the other. On these circuits he was a familiar figure for over a third of a century.

James Brown Ray, the third governor of Indiana, came from his Kentucky home to Brookville about 1818, after he had prepared himself for the practice of law at Cincinnati. His powerful voice soon brought him into demand as an advocate at the bar and as a stump speaker. If tradition is correct, he could be heard a quarter of a mile when making an ordinary address to a jury—even in a room fifteen feet square. He never got on well with his fellow lawyers, but was invincible before the people.

David Wallace, the fifth governor, was a Pennsylvanian by birth and a personal friend and neighbor of General Harrison at North Bend, Ohio. Harrison secured him an appointment as cadet at West Point. After completing his education, he read law under Miles C. Eggleston and began practice at Brookville, then the most famous bar of the state. He was personally and professionally the exact counterpart of Ray. His light musical voice attracted by its sweetness, while that of Ray overwhelmed by its mere weight. In a social way he was far the superior of his companions on the circuit, though there is no evidence that he was offensive to them with his polished manners and wide literary culture. He practiced on the Whitewater and later on the Indianapolis circuits and thus had the advantage of meeting nearly half the people of the state.

Wallace was succeeded as governor by his fellow lawyer, Samuel Bigger, from the Rushville bar. Indeed he was taken directly from the bench of his circuit to the governor's office. He began practice at Liberty in 1829, but soon removed to the larger town of Rushville. After considerable service in the Legislature, he was chosen Judge of his circuit by the General Assembly of 1836. He was a man of marvelous equanimity, somewhat akin to Lincoln in that respect. So well versed was he in the law that the Legislature of 1840 authorized him to codify the laws and suggest amendments. He was not an ornamental orator, but spoke plainly and without the violence that frequently characterized the lawyers of that day. In 1843 he opened an office at Fort Wayne, but died two years later, a victim, as many of his fellows were, of the hard life of the circuit.

James Whitcomb succeeded Governor Bigger. He came from the Bloomington circuit, where he had opened a law office about 1828. The circuits of which Monroe county formed a part, and on which he had served a term as prosecutor, at times reached to Vincennes, to Clark county on the Ohio, and to Parke on the upper Wabash. Whitcomb was a well-educated man, a native of Vermont, a good fiddler, a pleasant speaker, with wide sympathies, and high social qualities. With such an arena and such a man, political honor

could hardly be avoided. His speaking and campaigning abilities were rewarded by General Jackson with the appointment as commissioner of the general land office. In 1841 he quit this work and began the practice of law at Terre Haute, a circuit then known for its able lawyers—Hannegan, Howard, Wright, McGaughey and Thompson. His Legislature promoted him in 1849 to the United States Senate, but the hard life of the circuit had told on his constitution and he died in 1852 at New York City.

Whitcomb was succeeded as governor by Joseph A. Wright, a former fellow citizen of Bloomington, but then a circuit rider from Parke county, on the same circuit with Whitcomb at times. Parke county, like Monroe, was frequently changed in its circuit relations so that its attorneys traveled over a large part of the state. Joseph A. Wright, like so many of the early settlers, was a Pennsylvanian by birth, but had come early with his family to Bloomington. His poverty had made it necessary for him to work his way through school, and withal had given him a thorough sympathy with backwoods conditions. He was a great favorite with the farmers and workingmen of the state. In his speeches, and he was a remarkably successful stump speaker, he drew largely on his literary training, never hesitating to draw classical allusions on his wondering auditors. Few Indianians have had a wider reputation or more personal friends than this lawyer of the old Seventh circuit.

Thus of the first eight governors elected to the office by the voters, all but one were professional lawyers of the circuit-riding kind. The only exception, Noah Noble, was connected with the land office at Indianapolis and a brother of Gen. James Noble, one of the best known lawyers in early Indiana. He was a familiar figure at the bar of every Circuit court south of the old Indiana boundary line.

Concerning the lieutenant-governors of Indiana under the old Constitution, similar observations can be made. Of the thirteen men, eleven were typical old-time lawyers of wide fame. The first two—Christopher Harrison and Ratliff Boone—were the exceptions.

The third lieutenant-governor was John H. Thompson. He

sat on the bench of the Second circuit for ten years, 1834 to 1844. His home was in Charlestown, Clark county. He was a cabinet-maker, but by hard study prepared himself for the bar. When his term of judicial service was over, the Legislature made him secretary of state. He made his home in Salem for a few years and still later—after 1844—in Indianapolis.

He was followed by Milton Stapp, a Kentuckian by nativity and a Madisonian by choice. He studied law in the office of the famous banker, J. F. D. Lanier, who himself began life as a lawyer and served as prosecutor on the old Third circuit. From 1816, when he came to Indiana, to 1860, when he left it for Texas, he was a noted character. His time was pretty equally divided among law, militia and politics. Though he succeeded in keeping himself in office and in a way held some practice among the strong lawyers of the circuit, he could hardly be counted a success in anything he ever undertook.

David Wallace (1831-37), who has been noticed above, followed Stapp in office. He was the first lieutenant-governor who went by election directly from the lieutenancy to the governorship.

Judge David Hillis (1837-40) succeeded Wallace, the two running on the same ticket. He was a pioneer of Madison, having opened a farm on the hill above that place in 1808. He was a surveyor and a Judge and besides serving his term as lieutenant-governor, served ten terms in the Legislature, dying in office. It is difficult to tell whether Hillis owed his popularity to his judicial service, to his fame as a surveyor or to his all-round good qualities, but it remains that his introduction to public life was his service as Judge.

Samuel Hall (1840-43), of the Princeton bar, followed Hillis. He came to Princeton as a boy in 1814. He read law and was admitted to the bar in 1823, but did not go on the circuit till 1829. From 1832 to 1835 he was Judge of the Fourth circuit. He earned a high reputation on the bench, which he later increased by three terms in the Legislature and by serving in the Constitutional convention of 1850. After serving a term of years as President of the Evansville & Terre Haute railroad, he died in Princeton in 1862.

Jesse D. Bright (1843-45), of the Madison bar, succeeded Judge Hall as lieutenant-governor. He was the political autocrat of Jefferson county. Law was his profession and he traveled the circuit; and though he traveled the circuit with such lawyers as Joseph G. Marshall, Jeremiah Sullivan, Stephen C. Stevens, John R. Cravens and his brother, Michael Bright, he got some practice. The law, however, was his avocation. Politics was his ruling passion. On the stump he was a second Ray. His overwhelming energy and seeming earnestness carried him through. He had few equals in that line, though his fellow citizens, Joseph Marshall, George G. Dunn and, perhaps, Joseph A. Wright, excelled him. His oratory was the type of the circuit lawyer orator of that day—loud, furious, violent, and heavy with political and historical platitudes. He was elected to the United States Senate, March 6, 1845, and expelled from that body on February 5, 1862.

Paris C. Dunning, who followed Bright as lieutenant-governor (1846 to 1848), was from the Bloomington bar. He rode the circuit with George G. Dunn, James Hughes, Judge David McDonald, Delana Eccles, Col. Richard Thompson and others, all his superiors as lawyers, though he possessed considerable ability. He let one of the common vices of the time —intemperance—undermine a fairly good ability. His political fences were built while on the circuit.

The last lieutenant-governor of the period was James H. Lane, who hailed from the Lawrenceburg bar of the old Third district. His father, Amos Lane, had been a lawyer before him, and preceded the son in the state Legislature as well as in Congress. James Lane was admitted to the bar in 1840, after the famous cavalcade of lawyers who traveled with Judge Miles C. Eggleston had broken up and most of them had retired from active labor. Lane varied his work by services in the Mexican War and politics, the latter gradually absorbing most of his attention. About 1853 he went to Kansas and quit the practice entirely, dying later by his own hand.

In this list of lawyer-politicians who became lieutenant-governors there is not a lawyer of the first rank. They were men of average ability and poor legal training. The law to them was largely an opening for a political career. They were

not all, or perhaps any of them, bad men, but it would be unjust to measure the bar of that time by their abilities. While the great lawyers of the former list were as a rule good politicians, they left the bar reluctantly and many of them, after a season in politics, returned to the court room gladly. But neither politics nor the law was very lucrative in those days and it frequently took a combination of the two to produce a living.

The same general statements may be made concerning the minor state officials who were elected by the General Assembly. Of the seven secretaries of state covering the period from 1816 to 1852, all were circuit-riding lawyers except one.

In the General Assembly the lawyers controlled. It has been shown above that of the presiding officers over the Senate all but one were lawyers who had made their reputation on circuit, and he was driven by their opposition to resign.

A study of the speakers shows a still more remarkable control. The first speaker was Isaac Blackford, the dean of the Indiana judiciary. At the time (1816), he was President Judge of the First circuit. During the year (September 10, 1817) he was elected to the Supreme bench and held that place as long as the 1816 Constitution lasted.

Amos Lane, who presided over the House in 1817, was from the Lawrenceburg bar of the Third circuit. He rode with the famous band that accompanied Judge Eggleston from the Ohio river to Fort Wayne over the circuit. His popularity carried him into Congress (1833-37). He stood in the front ranks of the first generation of Indiana lawyers—the generation with eelskin queues and beaver hats.

Williamson Dunn succeeded Lane as speaker and presided over two sessions. He was for six years (1846-52) Probate Judge of the Jefferson county court. Though not a lawyer of the first rank, his business kept him in the company of lawyers all his life.

William Graham succeeded Dunn as speaker and presided over the fifth session—1820-21. He was born on the sea, but lived in Kentucky from 1782 to 1811, when he came to Indiana and located at Vallonia. He read law and was soon admitted to the Jackson county bar, before which and other bars of the

circuit he practiced over forty years. He sat in the Constitutional convention, in the territorial and state Legislatures, and in the twenty-fifth Congress (1837-39). He was a rugged pioneer of the old school—a follower of Clay.

General W. Johnston presided in 1822. He was one of the first lawyers to practice in Indiana, having come from Virginia to Vincennes in 1783. He was the first attorney admitted to the Vincennes bar. As advocate at the bar or President Judge on the bench he was a familiar figure from Putnam county to Posey and from Parke to Clark. He died in 1833 at Vincennes. He never forgot his dignity and aristocratic training. In his early days he always appended the word "Gentleman" after signing his name. Though not the equal in law of his famous contemporaries, Samuel Judah and John Law, he was an honored attorney for forty years.

Stephen C. Stevens, who presided over the House in 1825, was at first a member of the Brookville bar, where, with his mother, he had settled in 1812. He was wounded in the Battle of New Orleans, where he had gone on a flatboat. He began practice about 1816. A few years later he removed to Vevay, then an important commercial town. He was a representative from Switzerland county in 1825. Soon after this date, perhaps about 1830, he removed to Madison, then the most important business town in the state. Ray appointed him to the Supreme court, where he served from 1831 to 1836. His reputation as a lawyer rests on his practice at the bar. His special field was commercial law, in which for many years he did a larger business than any other attorney in the state. In 1852 he lost his fortune on a railroad scheme. He died, November 7, 1870, a pauper.

Isaac Howk, who was speaker in 1828 and again in 1830, was an attorney at the Clark county bar in 1816. He rode the Second circuit with Isaac Naylor, Davis Floyd, Jonathan Jennings, Capt. Henry Hurst, John H. Thompson and their contemporaries. He died suddenly in Indianapolis in 1833. His son, George V. Howk, sat on the state Supreme bench from 1877 to 1889.

Caleb B. Smith was speaker during the two sessions of 1835 and 1836. He read law in the office of O. H. Smith, of Con-

nersville. Under such a master he became one of the leading attorneys in the eastern part of the state. He was a rapid speaker, active and passionate. As an advocate before the jury and speaker on the stump he was the equal of his contemporaries on the circuit. Some of these were David Kilgore, Charles Test, Oliver P. Morton, Joseph C. Eggleston and David Wallace. Besides being one of the most successful advocates on the circuit, he found time to serve his people in the Legislature, three terms in Congress (1843-49), a term in Lincoln's cabinet, candidate for presidential elector in 1856, President of the Republican national convention of 1860 and Federal Judge of the Indiana district. He was born in Boston, April 16, 1808, and died in Indianapolis, January 7, 1864.

Thomas J. Evans, speaker in 1837 and 1838, was admitted to the Warren county bar in 1831, together with Joseph Talman and Isaac Pearson. Edward A. Hannegan, David Wallace, Isaac Naylor, Tilghman Howard and Moses Cox were some of his contemporaries. He rode the circuit under Judge John R. Porter, the latter being almost as widely known as a circuit Judge as Miles Eggleston.

Samuel Judah was speaker during the session of 1840. Perhaps no better advocate appeared before the early courts of Indiana than Mr. Judah. He was one of the earliest of the second generation of lawyers. The veterans of the old school were still thick on the circuit when, in 1818, he was admitted to the bar at Vincennes. He was born in 1798 in New York City and graduated from Rutgers in 1816. He prepared for his admission to the bar in New Brunswick, New Jersey. In his practice he combined the learning of a Judge, the skill of an attorney, and the originality of a genius. His name as attorney is connected with some of the most important law suits of the first half century of our history. He sat in the Legislature for four sessions. Besides this, he always took an active part in politics, though never an effective stump speaker. He died in Vincennes in 1869.

The list might be continued, but enough has been given to show the high regard in which the circuit lawyers were held by the members of the House of Representatives. A closer study of the membership of the Legislature will also make

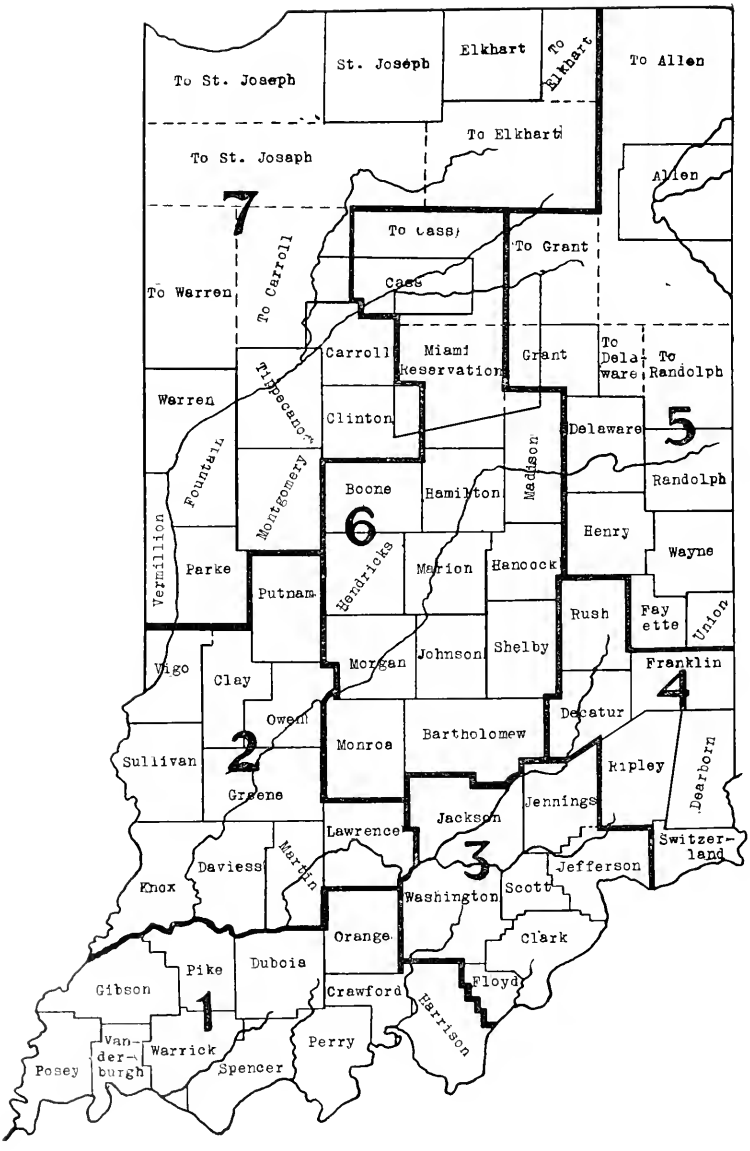
it plain why the House chose so many of its presiding officers from the ranks of the lawyers.

To begin with, there were no less than sixty-three Judges on the different Indiana circuits during the period (1816-52) under discussion. This number includes the Special Judges appointed by the governor to hold court until the General Assembly convened, a majority of whom were later elected. Of these Judges, at least thirty served at various times in the Legislature. Their combined services aggregated at least seventy-seven terms. Judges could not hold the two offices at the same time, but attorneys found it very convenient to sit in the sessions of the General Assembly. In fact, in order to accommodate these lawyers, the Circuit court sessions did not commence in the spring until after the General Assembly adjourned. A list of the members for almost any session will show that a majority were lawyers.

A wider study of the national field offers still more convincing proof of the efficiency of this training school for the public service. Of the ninety-three terms served by Indiana congressmen during the period from 1816 to 1851, at least seventy-five were served by lawyers who learned their first lessons in public life on circuits.

During the first six years following the admission of the state Indiana was entitled to but one representative. That one was William Hendricks, of the Madison bar, previously noticed. In 1821 Indiana was apportioned three representatives. William Prince, Judge of the First circuit and a member of the Princeton bar, was elected from the First district. He died before his term was out and his place was filled by Jacob Call, of the Vincennes bar. He was a native of Kentucky and one of the first lawyers admitted to the Indiana bar. For a time (1817-18) he served as Circuit Judge of the First circuit. Jonathan Jennings, already noticed, of the Charlestown bar, served from the Second district during the next six years, till intemperance wrecked his magnificent physique and sent him before his time to a drunkard's grave.

John Test, of the Third district and the Third circuit, made up the list of representatives for 1823-25. Judge Test had succeeded Jesse Holman (December 16, 1816), on the bench



CONGRESSIONAL DISTRICTS OF INDIANA IN 1833.

By Ernest V. Shockley.

of the Third circuit when the latter went on the Supreme bench, and served till January 2, 1819, when Alexander Meek succeeded him. He was a member of the famous old Franklin bar when General Noble and James Brown Ray were in their heydey. He was a native of Salem, New Jersey,—a state that furnished Indiana a number of able lawyers in the first decade of its history. After many years of practice, he removed to Mobile, Alabama, but soon returned to Indiana and died on October 9, 1849, at Cambridge City. He served in Congress from 1823 to 1827 and again from 1829 to 1831.

Judge Thomas H. Blake, of the Vigo bar, succeeded Jacob Call in the First district, 1827-29, a sketch of whom has already been given. His place in Congress was taken by Ratliff Boone, of Boonville, who served till 1839—four consecutive terms.

Oliver H. Smith, prince of circuit riders, and one of the most interesting characters in early Indiana history, defeated Test in the Third district in 1827. He was born near Trenton, New Jersey, October 23, 1794, and came to Indiana in 1817. He began practice at once in Connersville, riding the circuit with Judge Eggleston from Vevay to Fort Wayne. From 1822 until his death, March 19, 1859, at Indianapolis, he was continuously in public life. At the bar and in politics he was a leader. A noted company of young attorneys read law in his office. No one in the state, perhaps, enjoyed a wider acquaintance. His "Early Indiana Trials and Sketches," written for the *Indianapolis Journal* a short time before his death, is the best picture of the old times which has been preserved.

In 1833 the state was redistricted to accommodate the seven representatives to which it was entitled. Boone, Ewing and Carr, representing the First, Second and Third districts, were not lawyers, but the other four were.

George S. Kinnard, a young lawyer of the Indianapolis bar, was elected from the Sixth. In the two or three years he had practiced he had made a good impression on the people. He was a good scholar, a keen, fluent speaker and more than a match for any of his opponents with his pen. He lost his life in a steamboat explosion at the beginning of his second term.

Edward A. Hannegan made his first appearance in Con-

gress in 1833. He had practiced law in the western counties of Indiana. He was an Ohioan by birth, but came to Indiana while a young man. He first located at Vincennes, but, finding the legal business pretty well pre-empted, went to Covington where he soon made himself famous. Like his successor and imitator, D. W. Voorhees, he was invincible before a jury. No one on the circuit, though the circuit then contained at least four speakers of the first rate in the state, equaled him. Like many men of superior power, he realized it himself and assumed a patronizing air toward his admirers and an air of superiority toward his equals that was not congenial to everybody. He soon had a powerful personal rival in Joseph A. Wright, another lawyer of this circuit. He served from 1833 to 1837 in the House and from 1843 to 1849 in the Senate, succeeding in the Senate the famous lawyer, O. H. Smith.

The year 1837 saw five circuit riders added to the delegation, William Graham, the patriarch of the Brownstown bar, went up from the Third. George H. Dunn, a solid, undemonstrative attorney from the old Lawrenceburg bar, went from the Fourth. He was not a brilliant lawyer and had to rely on the justice of his case and the weight of his evidence for success, though in presenting a logical argument he possessed considerable ability.

James H. Rariden went up from the Fifth. He was a Kentuckian by birth and an attorney from Centerville, Wayne county, by choice. He was one of the most widely known trial lawyers in the state. He rode the old Whitewater circuit when it reached from one end of the state to the other. O. H. Smith says, "For years he was my circuit companion; we rode through the wilderness together, ate together, slept together, and were just as near one man as two could be. He was a strong common-sense man, always ready at retort." He was not a gifted man, though a very successful attorney. When speaking of the old-fashioned attorney who rode the circuit, swam the streams, lived at the taverns, aided honestly and powerfully in administering justice and raising the general social and moral standards, three men come into mind as typical—O. H. Smith, James Rariden and David Kilgore. Each through a long public career played a highly respectable part

and to the end proved absolutely incorruptible. Abler but no safer men ever served our state or, through it, the nation. History is unable to give them their measure. Their even way is so often crossed and shaded by the brilliance of some evanescent genius that flits athwart their course that attention is constantly distracted. They were soldiers of progress in the quiet march of the ages. Rariden died in Cambridge City in 1857, preceding Smith only a year or two, but preceding Kilgore a full score of years.

William Herod went up the same year, 1837, from the Sixth district. He was an attorney of the Bartholomew county bar, where he had practiced under Judges Wick and Morris. He was a plain, blunt man who spoke without ornament and to the point. A greater contrast could hardly be imagined than that between him and George Kinnard, whom he succeeded.

Albert S. White went up from the new Seventh district. He was a New Yorker by birth and a graduate of Union College. He commenced the practice of law at Lafayette in 1829. He neglected his law practice for politics. After a term in the House, he was chosen, in 1839, to succeed John Tipton in the United States Senate. He was a man of average ability and a ready, though not an eloquent, speaker. He was born in Blooming Grove, New York, October 24, 1803, and died in Stockwell, Indiana, September 24, 1864.

In the delegation of 1839 came two new Indiana lawyers, Judge W. W. Wick, from the Indianapolis bar, as a representative of the Sixth district, and Gen. Tilghman A. Howard, of the Parke county bar, from the Seventh district.

Judge William Watson Wick was a good representative of the old Circuit court. He was born in Canonsburg, Pennsylvania, February 23, 1796, studied medicine and then read law. He began practice at Connersville in 1820. Five years later he was secretary of the Senate. The Legislature twice elected him Circuit Judge and once a prosecutor. The voters sent him to Congress three terms (1839-41 and 1845-49); and President Pierce appointed him postmaster of Indianapolis in 1853. He was a man of average ability, but of exceptional political skill. He died in Franklin, May 16, 1868.

Tilghman A. Howard seems to have deserved more at the hands of his constituents than he ever received. He was born in South Carolina, November 14, 1797. He was admitted to the bar in Tennessee, where he practiced some time and also served in the state Legislature. He came to Indiana about 1830 and was appointed United States district attorney by Jackson. He was warm, almost violent, in his likes and dislikes—a fact which perhaps explains his lack of higher political preferment in Indiana. He was a lawyer of wide and honest reputation. Before a jury and on the stump he ranked with the best of his day. He belonged to the old school of morals and conduct. His hot temper kept him a goodly number of enemies, many of whom were of his own party and some of them members at the same bar with him. He died in Texas, August 16, 1844, where he had been sent as *charge d'affaires*.

Of the Indiana delegation to Congress elected in 1840, all were new men but one. George H. Proffit alone withstood the storm of 1840, and he was a Whig. The new men were all circuit-riding lawyers.

Col. Richard W. Thompson, of the Terre Haute bar, represented the Second district. He was a Virginian by birth, having been born in Culpeper county in 1809. He began practicing law in Bedford in 1834, being elected to the Legislature the same year. He has perhaps the distinction of having practiced law before the bar of the Indiana courts as long as any other man, though others devoted their attention to that work more unreservedly. He was in the practice of his profession till his death in 1900, a period of sixty-four years. He was a successful, though not a great, lawyer, and the same may be said of him as a speaker. He was an old-fashioned Virginia gentleman, always pleasing, never harsh; calm, serene and dignified. He could continue a political debate for two or three days and neither wear out his subject nor his audience. His friends delighted to honor him. He was known in all parts of the state and his acquaintances were always his friends. During the last sixty years of his life he was in active politics and much of the time holding responsible public positions, ranging from state legislator to cabinet member.

Joseph L. White, the second man on this new delegation,

was from the Madison bar and represented the Third district. He was born in Cherry Valley, New York. After practicing a short time on the Madison circuit, he went to Congress (1841-43), after which he settled down in New York City to practice his profession. Later he went into business, and died on January 12, 1861.

James H. Cravens, the third member, was from the Ripley county bar and represented the Fourth district. He was born in Rockingham county, Virginia, August 2, 1802, and came to Madison, Indiana, in 1829. He soon moved to Versailles, where he divided his time between politics and the law. He was a Free Soiler and later made a race for governor on that ticket. He died in Osgood, December 4, 1876.

Andrew Kennedy, the fourth new member of the 1841 delegation, was from the Connersville bar and took the place of Rariden from the Fifth district. He was born at Dayton, Ohio, July 24, 1810, and was admitted to the bar in 1830. He held various positions and in 1847 was a candidate for United States senator, with good prospects of success, when he was stricken with smallpox, from which he died in Indianapolis, December 31, 1847. Although a young man, his career gave great promise. He was a man of exceptional ability. Experience would certainly have given him a sure position both in law and statesmanship.

David Wallace, who went up from the Indianapolis bar and the Sixth district, has already been mentioned.

Henry S. Lane, the sixth, last and ablest of this delegation, went up from the Crawfordsville bar to represent the Seventh district. He was born in Montgomery county, Kentucky, February 24, 1811, and began the practice of law at Crawfordsville in 1835. He finished Howard's term in Congress and was elected for a full term. Mr. Lane was not so favorably known as a lawyer as he was as a politician, though in the law he was far above the ordinary. At the opening of the Civil War he was the most popular man in the state. His services at the bar extended over a long period—1835 to 1881—during which he was favorably known throughout the state and nation. He was a special friend and counselor of Lincoln. He was elected governor of the state in 1860, but resigned Jan-

uary 16, 1861, to go to the United States Senate, where he remained for six years.

Of the ten members of the congressional delegation of 1843 at least six were circuit riders. The congressional act of February 8, 1842, had given Indiana ten representatives in Congress. Thomas J. Henley, Caleb B. Smith, Joseph A. Wright and Andrew Kennedy have been noticed.

John Pettit was a new member from Indiana at this time. He went up from the Lafayette bar to represent the Eighth district, serving three continuous terms. He was born in Sacketts Harbor, New York, June 24, 1807, and appeared before the Lafayette bar in 1838. Before going to Congress he served as district attorney for the United States. Later he sat in the Constitutional convention of 1850-51, in the United States Senate (1853-55), as a Chief Justice of Kansas and on the Indiana Supreme bench (1871-77). He was a short, heavy man, rather prosaic in his address, but what he said carried weight. He represented a turning point in the law. He depended more for his success at the bar on a knowledge of the law and the production of evidence than on eloquence before the jury. He was an infidel and usually took delight in advertising the fact. While it had no appreciable influence on his public or professional career, it raised up a number of bitter critics who have tended to minimize his reputation in later years.

Samuel C. Sample, the honored Judge of the South Bend circuit, and one of the greatest lawyers of the northern part of the state, went up from South Bend to represent the Ninth district. He was born in Maryland and came with his father's family to Connersville about 1824. He read law under O. H. Smith and settled at South Bend in 1833. He was soon elected prosecuting attorney and two years later (1836) went on the Circuit bench, a position he occupied till 1843, when elected to Congress. He was a hard worker and ranked with the best Judges then on the bench. As in the case of Kennedy, death claimed him just as he was reaching the period of greatest power and just when the people were realizing his value. He was president of the South Bend branch bank when he died.

At the election of 1845 seven of the ten congressmen suc-

ceeded themselves—all lawyers but two. Of the new ones, Judge W. W. Wick, already mentioned, took the place of William J. Brown in the Fifth district.

Edward W. McGaughey, from the Parke county bar, went up from the Seventh district, defeating his fellow member of the bar, Joseph A. Wright. He was born in Greencastle, Indiana, January 16, 1817, and was admitted to practice in 1835. He rode the circuit with Judge Porter and the eloquent band trained in his court. Hannegan, Wright, Whitcomb, Howard, Thompson, Law and Eccles were his contemporaries. In that gifted group he maintained himself in the front rank. As an advocate and stump speaker he was at his best. He died in San Francisco, August 6, 1852.

The delegation of 1847 was composed of at least eight well known circuit riders and perhaps another, William Rockhill, of Fort Wayne, who represented the Tenth district. The previous delegation had had four members who were not lawyers, but three of these were superseded by men trained at the bar.

Judge Elisha Embree, of the Princeton bar, defeated Robert Dale Owen. A notice of Judge Embree has been given. R. W. Thompson came up from the Seventh in place of McGaughey, both well-known attorneys, and William Rockhill took the place of Andrew Kennedy, a victim of smallpox.

Of the new men in this delegation, by far the most famous was George Grundy Dunn, who took the place of Dr. John W. Davis from the Sixth district. Mr. Dunn was in many respects the most gifted man at the Indiana bar of this period. O. H. Smith, who knew him well, says he was one of the keenest-minded men in the state. He placed him at the front as a lawyer. "I thought him among the strongest advocates before the jury I ever heard," continued Mr. Smith. There was a fiery glow about his speech that burned away all obstacles and left the minds of his auditors clear and convinced. He had far more than the ordinary education of lawyers of his day, which he used for the texture of his speech and not merely to furnish an occasional ornament. Time and place disappeared from the speaker and his listeners. His trenchant logic left his adversary without defense unless he had carefully fortified

himself. Unlike many of his contemporaries, though gifted in eloquence beyond any of them, he did not depend on argument before the jury entirely, but was a close student of the law, and a tireless worker. On the stump he was equally effective. He read widely and retained vividly the details of what he read, so that the political lives of most of his contemporaries were well known to him. The hardships of the circuit seldom took a heavier toll than when he died at his home in Bedford, Indiana, September 4, 1857, in the forty-fourth year of his life. He was born and educated at Bloomington.

The election of 1849 brought several new men into Indiana's congressional delegation, but, as usual, nearly all were direct from the legal forum.

Cyrus L. Dunham, of the Salem bar, came up to relieve Thomas J. Henley. He was born in New York, but early moved to Salem where he was admitted to the bar and practiced till his death, October 15, 1856. As a lawyer, he was hardly up to the average. A great part of his attention was devoted to politics and also a good share to farming. His contemporaries speak highly of his good qualities, but they were of a social and political rather than of a legal nature. That he had considerable ability in this line is attested by the fact that he retained his seat from the Second district at this time through three terms (1849-55).

From the Fourth district, George W. Julian, the Free-Soil warrior of the Centerville bar, replaced Caleb B. Smith. Mr. Julian was born in Wayne county, May 5, 1817, and died in Irvington, July 7, 1899. Although he was a lawyer and practiced considerably, it can scarcely be said he gave his life to the practice. He was a politician and reformer. His legal activity served little more than to give him an acquaintance with the people of the circuit which he rode. He was a man of great power and spoke with much passion and vehemence.

Willis A. Gorman, fresh from his victories in Mexico, where he was an officer in the celebrated Second Regiment at Buena Vista, came up from the Bloomington bar to represent the Sixth district, taking the place left vacant by the death of George G. Dunn. He was born in Kentucky, January 12, 1816, and commenced the practice of law in 1835. Until the

breaking out of the Mexican War he rode the circuit with James Hughes, George G. Dunn, Colonel Thompson, Paris C. Dunning and their fellows under the presidency of Judges David McDonald and E. M. Huntington. After his term in Congress was over he was appointed territorial governor of Minnesota. He died in St. Paul, May 20, 1876, after serving as city attorney of that city for several years.

From the Eighth district was sent in 1849 a lawyer destined later to achieve a fame in the profession not second to any in the state. Joseph E. McDonald hailed from the Crawfordsville bar. He was born in Butler county, Ohio, August 29, 1819, came with his mother to Lafayette in 1826, and was admitted to the bar at Crawfordsville in 1843. The same year he was appointed prosecuting attorney, a position which kept him continually on the circuit during the next four years. After a term in Congress (1849-51) he served as attorney-general of the state from 1856 to 1860. From 1875 to 1881 he was in the United States Senate. From the latter date, until his death, June 21, 1891, he practiced in Indianapolis where he enjoyed a national reputation. He was a clear-thinking, plain-spoken man, who depended on the sheer strength of his position and his correct interpretation of the law to bring him success. He belonged to the later class of lawyers who practiced law rather than oratory. Although he devoted much of his time to politics, it seems to have been never more than a diversion with him. He always returned at the first opportunity to his place at the bar.

From the Tenth district in 1849 came Andrew Jackson Harlan, an attorney then practicing before the Marion bar. He was born at Wilmington, Ohio, March 29, 1815. He practiced at Marion, Indiana, from about 1840 to 1849, when he was sent to Congress. He enjoyed politics and perhaps neglected his law practice on that account. In 1861 he went west where, after a varied experience in legal and official service, he died on May 19, 1907, at Savannah, Missouri. He had practiced law and held office in Indiana, Dakota Territory, Missouri, Kansas and finally in Missouri again.

The election of 1850, the last under the old Constitution, sent at least four new lawyers from their places at the bar

to represent Indiana districts in Congress. From the First district went Judge James Lockhart of the Evansville bar, who has been noticed before. O. H. Smith said of him, "He was a man of acknowledged talents, a forcible speaker, a sound lawyer, and a good judge; he made no pretense to what is called eloquence, but was rather a matter-of-fact, straightforward speaker, and much endeared to his friends."

From the Fourth district was selected Samuel W. Parker, the literary pride of the Connersville bar. He was known for his eloquence throughout his own and in adjoining states. His style was the most distinctly literary of any public man of his time. He dealt in broad comparisons, simple, elegant, often homely similes and metaphors. He had something of the Hoosier flavor of Riley, the easy grace of Irving, the broad humor of Mark Twain, but nothing of the pungent, biting sarcasm of George G. Dunn. He could gracefully crowd his opponent out of court and make him enjoy the process. Had he lived in later times, in or among more literary people than were Indianians of that day, he might have rivaled any of our modern Indiana authors. As it was, he won a place at the forefront of the bar.

The Fifth district did itself the honor of sending as its representative to Congress Thomas A. Hendricks, of the Shelbyville bar. He was a native of Zanesville, Ohio, born on September 7, 1819. He was educated at Hanover College and read law in Pennsylvania. In 1843 he began practice in Shelbyville. He came into notice by the part he took as a member of the Constitutional Convention of 1850. Although he held high offices—governor, congressman, senator, vice-president—he was above all a lawyer. He was more at home at the bar than in Congress or the governor's office. He will probably not rank as high as his great contemporaries, Turpie and McDonald, but he will be remembered as a great master of the law in their class. Though he rode the circuit in his earlier days, he is not to be classed with Kilgore, Rariden and O. H. Smith. He tried far fewer cases, but prepared each with more care. Before a jury he was not the equal of Joseph Marshall or George G. Dunn, but where the argument had to do strictly with the principles of the law he was their superior. On the

stump he cannot be classed with Whitcomb, Henry S. Lane, or even with Morton. He lacked the light, sparkling literary flavor of the first two and the bull-dog force of the latter. Taken as an all-round politician, he ranked even higher.

Daniel Mace came up from the Eighth district, from the Lafayette bar, and took the place of Joseph E. McDonald, of Crawfordsville. He was a native of Ohio, born in Pickaway county, September 5, 1811. In the early thirties he began practice and almost at the same time entered politics by representing his county in the General Assembly. His abilities as a lawyer and politician had so far been recognized by 1849 that he was appointed United States attorney for Indiana. From the time he entered Congress in 1851 he was almost continuously in office till his death at Lafayette, July 26, 1867. During this period he neglected his legal work and never attained first rank as a lawyer.

This brief study of circuit riders in Congress must show at least that they almost monopolized this means of political preferment. As stated at the beginning, they filled seventy-five of the ninety-three terms of Indiana congressmen during the period. There were sixty-one different men sent up to Congress during the period. Of this number, forty-five were professional and active lawyers direct from bench or bar. Of the remaining sixteen, at least one-third gained their social notice by being directly connected with the Circuit courts either as sheriff or clerk. A genial officer of the court had a great opportunity of ingratiating himself with the circuit riders and thus preparing the field for his political efforts. Jonathan McCarty, Gen. John Carr and Samuel Brenton belong to this class. It is also noticeable that few of these men served for any extended time. The very means that early brought the circuit rider into fame soon raised up enough enemies to put him out of public life. A large number of the more ambitious of them refused to neglect their law practice for the practice of politics. They made no pretense of keeping up their political fences and so easily gave way to some one who took the trouble to court public opinion. Whatever the causes, and there were a number of them, the result was

that few of our congressmen of the period had the national reputation to which a larger service would have entitled them. There can be no doubt that such men as O. H. Smith, George Kinnard, Edward Hannegan, Tilghman A. Howard, Henry S. Lane and George G. Dunn were superior to the average congressman and had their service been extended the superiority must have made itself manifest. On the other hand, it is to be regretted that the manner of life of the circuit rider conduced more to readiness of speech than to breadth or solidity of understanding. As soon as the session of Congress was over, the lawyer returned and plunged into his work on the circuit. This work kept him almost night and day until well into November, leaving him barely time to reach Washington before Congress opened. At the taverns on the circuit, where carousing and gambling were not the order, the time was spent in discussing law and politics. But as there was no chance of reading much, little was gained beyond a certain cleverness of expression and manipulation. The Debates in Congress and the newspapers were about the only source of reading on politics. Even today they are a rather narrow basis for a course in political science.

In the United States Senate during this period—1816-1852—Indiana was represented by nine men elected by the Legislature on joint ballot. After noting the composition of the Legislature, it is not surprising to find that all of these men but one were lawyers. John Tipton, the solitary exception, earned his fame by service in the army and in the land office. Of the others, William Hendricks, O. H. Smith, Albert S. White, Edward A. Hannegan, Jesse D. Bright and James Whitcomb have been noticed for their services in other stations.

James Noble, of the Brookville bar, and Waller Taylor, of the Vincennes bar, were the first two senators from the state. General Noble was born in Clark county, Virginia, December 16, 1785. After spending some time in Kentucky, he settled with his parents in Brookville, Indiana, in 1811. He died at Washington, February 26, 1831, while serving his third term in the Senate. As a lawyer he was one of the best examples of the old school. His Virginia military training led him to

be more pompous than ordinary lawyers. He depended for his success at the bar almost entirely on his appearance before the jury. His voice was only equaled in magnitude by that of his townsman, Governor Ray. The country folks would crowd in for ten miles to hear these "great lawyers" plead, and it was a secondary matter with the client whether he won or lost his case, so the "pleading" was loud and long. The substance of the "pleading" was usually historical and political platitudes. They were long on the glories of liberty and freedom, the rights of man, and kindred generalities.

Waller Taylor was an easy-going old bachelor of Vincennes. He was born in Lunenburg county, Virginia, about 1785 and died there August 26, 1826. He was a friend and comrade-in-arms of Harrison and the other heroes of Tippecanoe. Of his ability at the law no evidence seems to have been preserved. He stood well with Parke, Blackford, Noble, Johnson and the other leading lawyers of the territorial courts.

So far, this school of law and lawyers has been judged by its products acting in other than strictly legal capacities. In the field of general citizenship the circuit riders did a fair share of work. It could be shown that in the church many of the early lawyers were leaders; some were regular preachers, but perhaps a majority of them took little or no interest in church work.

The lawyers were educated by the apprentice method. After attaining a common school education, and a smattering of Latin if possible, the prospective lawyer entered the office of some successful attorney and read law for three or four years, until he was able to pass the examination admitting him to the practice. The lawyer gave to the reader what attention he could. Some even went so far as to question the student every day, assign regular tasks, such as the preparation of papers, or otherwise direct and test the work. In many cases, however, the busy attorney left the student alone in his office to get on as best he could.

The reading course was based on Blackstone, Kent, Greenleaf and Chitty. The different volumes by these authors were considered a good library. Kent and Greenleaf, of course,

were not in the earliest libraries. The student began on Blackstone, devoting a year to the work. Next came Chitty, a prolific writer in nearly all fields of the law. A set of Chitty's works from the library of Judge Eggleston leaves no doubt that that distinguished Judge made constant use of it. After the student was well grounded in these fundamentals, he took up the special fields. He studied Harrison's Chancery, Grisley's Evidence in Equity, Heythusen's Equity Draftsman, and, after 1840, he had the clear treatise of Equity Pleading by Justice Story. He might use Sugden on Vendors and Purchasers and Roberts on Frauds; Starkie on Evidence or Stephen on the Principles of Pleading in Civil Actions. Impey's Modern Pleader would make him familiar with legal forms. The latter contained forms for all kinds of legal papers then in use—both common law and equity. Jones on Bailment gave him a good foundation for prosecuting suits over estrays. Chitty's Medical Jurisprudence armed him against the quack doctors, of which the settlements were full. After about 1830 he had to read finally—and he was delighted to get to them—Sullivan's Lectures on the Constitution of England and Story's Commentaries. No texts by Indiana authors appeared very early. Judge David McDonald's Treatise appeared about 1850, the end of this period. The chapter on legal writers treats this subject in detail.

One can see at a glance the limitations of this kind of education. The young attorney was a fac-simile of some older attorney, fortunate if he attained equal excellence with his master. During this period the rigid and often meaningless formulas of the English law held sway. Simplicity, so badly needed, had no chance of a hearing in the system. No attorney who was not well grounded in all these formulas had a chance at the bar. On the other hand, a well-trained court could do substantial justice under these circumstances, especially when armed with equity powers.

The judges of the Circuit courts ranked with the best preachers in social prestige. They represented what was held most sacred in the state, the power and majesty of the law. One is convinced that their decisions carried far greater weight with the multitude than do the decisions of our pres-

ent judges. Appeals were far less frequent. As a group they doubtless surpassed in social worth and in their knowledge of the law the rank and file at the bar, yet they were not a separate caste. They were merely the choice of that body. This of course did not mean that the best lawyer was always on the bench, but merely as a rule was that so. There was no social nor intellectual cleavage either between the lawyers at the bar and the judges on the bench. It was a democratic society. The pay of the judges was such that many of them declined long service from financial reasons. The duties were exacting and physically exhausting, so that many resigned from that cause.

Not counting those who served by the governor's appointment for a brief time only, there were about fifty circuit judges on the bench from 1816 to 1850. They took as a rule no interest in politics, though they sat for a total of seventy-seven terms in the Legislature, eighteen terms in Congress and one term as governor.

In the highest sense, the work of the judges most nearly resembled that of the preachers. They stood for law and order and good neighborhood. They used the force of the law in accomplishing their object. The preachers stood for the same, but used the force of conscience and public opinion. It was fortunate that in the early period of our state these two institutions worked hand in hand.

In previous pages most of the great judges have been named. It would be useless to attempt to rank them in order of their greatness. Nothing but a long study of their records as preserved in the county clerks' offices would justify such an attempt. But tradition and the recorded opinion of their contemporaries have preserved for us the names of M. C. Eggleston, William T. Otto, Isaac Naylor, Horace P. Biddle, Samuel C. Sample, David McDonald, E. M. Chamberlain, Jehu T. Elliott, Elisha Embree, John R. Porter, B. F. Morris, Davis Floyd, W. W. Wick, and perhaps that many more as worthy a permanent place among those who have striven worthily for the founding of our commonwealth.

CHAPTER V.

Juries, Prosecutors, Witnesses and Court Life.

In a preceding chapter a general view of the courts and lawyers of the period from 1816 to 1852 has been given. It remains in this chapter to notice the organization of the minor courts and discuss the development of the judicial system from the standpoint of organization and jurisdiction.

The power of the Circuit courts was all pervasive. "They shall have jurisdiction in each and every county within this state in and over all crimes and misdemeanors of whatever name and description the same shall or may be, which shall be committed within the jurisdiction thereof, and shall and may hear and determine the same, and sentence give, and execution award." It is evident at a glance that whatever special jurisdictions were later set up must have been carved out of this comprehensive grant. The same court had "original jurisdiction in all causes, matters and things at law, and at chancery." They had "full cognizance of all actions, real, personal and mixed." These powers were to be administered "according to the course of the Common Law and the usages of courts."

The law of January 28, 1818, was the basis for court procedure under the old Constitution. Many of the rules are as old as the Common Law and consequently are well known to all practicing lawyers. The emphasis in this code sometimes surprises one. Granting of bail was carefully guarded. Hunting criminals was at that time similar to hunting wolves, and the escape of a horse thief was about as irremediable as the escape of a wolf. After all safeguards possible had been thrown around the practice, it was further enacted that "If the bail be adjudged insufficient, and other good bail approved of by the court be not entered, the bail so objected to shall not thereby be discharged, and if the plaintiff shall proceed to

judgment against the bail so adjudged to be insufficient, and the demand be not satisfied by the return of the first *scire facias* against the bail, the sheriff or other officer shall be liable to the plaintiff for the amount of his demand and all costs of suit." This was in keeping with the old principle that if the executive officer accept bail without consulting a justice he does it at his own risk. Sheriffs have since been deprived of this power, and its attendant abuses avoided.

Delays were not countenanced. It seems there was as much popular impatience then with dilatory courts as there is now. All actions at Common Law were required to go to trial at the term to which the process was returned executed. Pleas to jurisdiction, in abatement and special demurrers had to be made before or on the first day of the trial or else the pleader forfeited his rights. All pleas in abatement or others that tended to delay required substantiation by oath. Mere formal amendments were not permitted to delay action. On the other hand, all the Common Law pleas, rejoinders, sur-rejoinders, rebutters and sur-rebutters were pleaded so that there is usually a desert of lifeless forms in the court records before one gets down to the issue of the case.

Injunctions were not favored by the old courts, though power to issue them was possessed. The court in term time, or the circuit judge, or both associates in vacation might issue one.

Writs of *ne exeat,* to prevent debtors or defaulters escaping with goods, were quite common. The issuance of these writs, like those of injunction, were rather carefully guarded. A bill had to be filed and sworn to and it seems the defendant in either writ could more easily satisfy the court of his honesty than the plaintiff could establish the reverse. Tenders were pleaded more frequently then than now. One cause of that was the uncertain currency of those days. Hardly anyone, even the court, could tell exactly what kind of money was legal tender. It was sometimes found that a tender, worthless at the time of suit, had been good when made at a previous time.

In general the procedure was much more formal than at present. There was a tendency at the time to break away from the old Common Law writs and make the procedure less

formal, but the movement lacked enough force to carry it through. Another reason perhaps may be found in the fact that the lawyers who sat in the convention of 1816 were nearly all on the bench in 1817 and 1818 and there was no member of the Legislature capable of drawing up a similar code.

PETIT AND GRAND JURIES.

The Circuit court laid great stress on the jury. This will readily be understood and appreciated when the manner of practice of the early lawyers is recalled. They depended very largely for their success on their ability to influence juries. It is hardly to be expected then that there would be any opposition to the jury system. The original act of January 28, 1818, made it the duty of the county commissioners every year when they received the lists of taxpayers to select for jury purposes the names of seventy-two "discreet men," householders, from the list. These names were then copied on slips of paper and placed in a box. As soon as this was done (forthwith) there were selected from the box three grand juries, consisting of eighteen men each. These slips were then endorsed with the words "grand jury" and placed in the possession of the circuit clerk to be kept until thirty days before the opening of court. At that time he drew out eighteen names from the grand jury box and twelve names from the petit jury box. These were then turned over to the sheriff. By a law of this same session each party to a suit was given the right to challenge peremptorily three jurors.

In the Justice's court a jury of twelve, composed of electors, tried all crimes brought to that court. No special machinery for the selection of this jury was provided for beyond the justice ordering the constable to go out and forthwith fetch twelve men. In a civil case before a justice a jury was not called unless one of the parties to the suit demanded it. If the constable on execution took property claimed by another party, the constable was directed to summon a jury of five disinterested freeholders to determine the ownership of such property.

The coroner's jury called for a panel of at least fifteen

men, "good and lawful," so that when they appeared at the designated place there would be at least twelve of them present.

As an illustration of the shifts the Legislature was often put to in early days, it is worth noting that before the end of the year in which this code was enacted it had to make special provision for juries in Posey, Warrick and Vanderburg counties. The courts met in these counties after the law was passed, but before the county commissioners met. The jails contained criminals, but the courts had no means to draw either a grand jury to indict them or a petit jury to try them. The act of December 31, 1818, simply directed the sheriffs of these counties to summon thirty-six men in each county, out of whom the court might select jurors as needed.

The first form of selecting jurors contained possibilities of grave dangers. The selection was too direct and reposed too much power over juries in the hands of the commissioners, who were frequently small politicians. A second law, bearing date of January 31, 1824, provided that the county commissioners at their May session annually should select from all the taxpayers all the discreet householders and freeholders resident in the county between the ages of twenty-one and sixty. The clerk then wrote these names on small tickets and deposited them in a box. From this box the commissioners were directed to draw for each of the three terms eighteen names for grand jurors and twenty-four for petit jurors. These names so drawn were placed in other boxes and one month before court time the proper number for each jury was drawn and summoned by the sheriff.

This was not the end of the juror's troubles. He was liable to be called to the county seat once or twice between regular terms to sit at a special session. A law of February 12, 1825, gave the sheriff power to order a special session of the Circuit court at any time he had a criminal in jail who was unable to give bail, or one for an unbailable offense.

The act of December 29, 1826, changed the age limits so far as it applied to grand jurors. The restriction on petit jurors was not because men over sixty were thought to be incapable of weighing evidence and giving an impartial judgment, but referred solely to their lack of physical strength to

endure the ordeals of jury duty. The law last referred to made still other changes. By this time few of the counties had county commissioners, the county business being done by a board of justices. The duty of choosing jurors devolved therefore on the board of justices. Many boards had neglected to choose juries at the May term, so it was provided that the justices might do this at any session. At the time the law took effect no less than seven counties were without juries, so that without the aid of the Legislature no court could be held. The necessity of putting the names of all the taxpayers in a box and selecting from them was removed, and the justices were empowered to select the proper number of grand and petit jurors—eighteen and twenty-four respectively—from among the discreet taxpayers. This law left the selecting and impaneling of juries in the hands of the justices, the beginning of a concentration of power in their hands which continued during this entire period until the justice system was abolished.

Another modification at this time which also speaks of the physical wear and tear on the juror was that in case the court lasted over one week a relay of jurors relieved the first panel at the end of a week. In drawing the jury it was provided that the lots be taken by the president of the board of justices in the presence of a quorum of the board.

A law of January 30, 1830, directed that in a trial before a justice of the peace only the defendant could, of right, demand a jury trial. If the defendant did not so demand, the trial would proceed before the justice.

There is frequently a bit of interesting local history hidden behind the innocent-looking acts of the Legislature. A law of February 16, 1839, provided that in the Eleventh circuit the judge might order the sheriff to impanel a jury from the bystanders or citizens living or being at the time closest to the place where the court was sitting. It seems to have been common among the newer counties of that circuit for the county authorities to neglect or even refuse to impanel juries in the regular manner. When jurors were not so drawn it was the custom of the lawyers to challenge the whole panel.

An act in this same year (February 15, 1839) directed the

county board to select a third set of jurors, twenty-four men—making seventy-two in all—to serve during the third week of the term. It seemed by that time the settled policy not to compel any person to serve on a jury more than a week. However, it was provided that if the second set of jurors was not present at the designated time, or if court continued longer than it had been set for, the first jurors should remain.

The pay for jury service at this time both on the grand and petit juries was one dollar and twenty-five cents a day. There was nothing said in the act about mileage. In many cases the jurors had to camp out, and not infrequently bring provisions with them for the time of the session. At this time, 1839, the majority of the county seats were the merest villages. A full court consisted of three judges, and there were perhaps ten traveling attorneys, eighteen grand jurors and twenty-four petit jurors, not to count litigants and their witnesses. The crowd frequently numbered fifty men. Add to these the "bystanders" or as we would call them now loafers, the local officers such as clerk, sheriff, bailiff and talesman, the politicians, and those who came to hear the "great lawyers plead" and one has a pretty respectable crowd for such taverns as could be found at that time. Besides, on one dollar and twenty-five cents a day few of the jurors could afford to stay at the tavern.

The theory of particular legislation reached even the jury system with demoralizing effect. In 1842, for example, Lawrence county was exempted from the general law regulating the selection of jurors and the sheriff there was instructed to select at his discretion a panel of twelve men to try each case as it was set. This was done in the interest of economy. The same law provided that not more than two bailiffs, one to look after the juries and the other, known as the riding bailiff, should be employed.

At the same session it was enacted that no more regular juries be impaneled in Monroe and Brown counties, but that when juries were needed either in the Circuit or Probate courts the sheriff should select them from among the bystanders. Certainly no step could have been more demoralizing to the courts than this.

The same Legislature (it was devoted to economy) enacted that in Greene, Daviess, Ripley, Adams, Jay, Crawford and Parke only twelve jurors be selected for the first week of court and none for the second. If a jury were needed after the first week it might be chosen from the bystanders.

Laporte county was relieved by special act of summoning a regular panel and permitted through its sheriff, or "other officer under the direction of the court," to gather a jury from the bystanders. In this county jurors were to receive only one dollar a day. In this county the number of peremptory challenges allowed the parties was raised by this act from three to eight.

In Jackson and Bartholomew counties, by special act of the same year, no regular juries were to be drawn, but juries, at need, were to be summoned at the direction of the court from among the bystanders. The county commissioners were also forbidden to pay a riding bailiff for the grand jury.

By still another act of this same General Assembly, in the counties of Allen, Hamilton, Vigo, Delaware, Grant, Marion, Clark, Switzerland, Spencer, Greene, Putnam, Morgan, Fulton, Jennings, Marshall and Orange there should be drawn fifteen grand jurors and twelve petit jurors for the first, and a like number for the second week, but if it should happen that no jury had been impaneled there the court should order one drawn from the bystanders. In these counties, in the case of a jury from the bystanders, the parties had the right to six peremptory challenges each.

In the county of Dearborn it was left to the discretion of the county board to select as many jurors as they saw fit.

Finally, in Hendricks, the county board was forbidden to impanel juries, but if one became necessary, the sheriff should select it from the bystanders and the parties should have only three peremptory challenges.

But this is enough to show the utter confusion being introduced into the jury system and, incidentally, into the judicial system of the state. There were several reasons for this debauching of the courts. Many good people supported it through honest motives of county economy, and there were good grounds for their support. The sheriffs as a rule sup-

ported it because it gave them a chance to pack juries both for the benefit of the client and as a special favor to the bystanders who enjoyed sitting on the jury. Nothing was commoner than for the henchman of the sheriff who wanted to earn a dollar to hang around the court where he could easily find them. Then there was this army of "bystanders" who were particularly flattered by this chance of jury service. We can easily imagine how smug they felt as they were addressed as "gentlemen of the jury" and told that they were the "bulwark of freedom," the "palladium of our liberties," the "pilots of the old ship of state." We can also imagine how the best of the lawyers must have regarded these bumpkins as they ambled into the jury box.

The Legislature of 1843 did not register the low water mark in the so-called reform of the jury. The next year the grand jury of Hancock was limited to three days per term and the pay fixed at seventy-five cents a day. The pay of the petit jurors was fixed by this act at thirty-seven and one-half cents a case. By a proviso, Monroe, Owen and Randolph were given the benefit of this act, except that petit jurors still received one dollar and twenty-five cents a day. In Madison county the grand jury was limited to four days.

However by this time Lawrence county had had enough of "bystander" juries and went back to the old practice, cutting the wages of petit jurors to one dollar a day.

Lagrange county was provided with still another feature in the way of jury service. An act of 1844 directed that when an issue was joined the sheriff should summon twelve lawful men, not more than four of whom should be from the same civil township. The parties were given five peremptory challenges on this jury. On petition, Kosciusko was given the benefit of this act.

There grew up considerable dissatisfaction with the method of drawing jurors provided in the Revision of 1843. The clerk who drew out the names was said in many cases to know beforehand what names he was drawing.

An act of January 13, 1843, sought to eliminate this objection. It provided that the names of the freeholders of the county be written on slips of similar paper and closely folded

to conceal the name. The clerk was then blindfolded and caused to draw the names in the presence of the board. A general law of the next year fixed the pay of all jurors at one dollar a day, but gave county boards the privileges of cutting this price to seventy-five cents or raising it to one dollar and twenty-five cents. The same Legislature fixed the wages of petit jurors of Hancock county at fifty cents per trial, unless it lasted over one day, when they should receive seventy-five cents a day.

Each session of the Legislature from 1843 to 1852 passed numerous acts varying the details of the jury system. The session of 1848 enacted perhaps a half score of such laws. The session of 1849 added more than a score, twenty-four separate acts being directed at the compensation of petit jurors in as many counties. The business became the football of the Assembly.

It might be observed that these alleged reforms emanated from other desires than that to improve the courts. The ordinary "bystander" jury was an abomination. The ordinary court-house lounger was not a very satisfactory juror to the parties. No institution could long stand such abuse. It threw the courts into the hands of the lowest class of politicians. The only compensation was in the saving to the county of a slight expense, a very slight one. The litigants paid the petit jury fee, charged as costs, and also paid the bailiff. The only charge direct to the county was for the grand jury. The better class of citizens, always in the majority when they can find expression, soon demanded that the juries be restored. They now found expression through the President judges and the better lawyers, just as the opposite class had found expression through the pettifogging lawyers.

As it was, it came near crippling the grand jury system in the Convention of 1850. Many of the best citizens, including some eminent lawyers, favored abating the whole jury system as mischievous, and leaving the judges to try the cases, just as was done in the Supreme court.

Samuel I. Anthony, himself a lawyer, summed up the financial objections to the grand jury in a speech in the Constitutional Convention on the afternoon of October 21, 1850. "We

have in Indiana ninety counties. The grand jury, along with the Circuit Court, assembles twice each year, and is generally composed of from sixteen to eighteen individuals. We generally sit ten days, and as we may set down their per diem at one dollar and twenty-five cents each, the total expense of grand juries to the people of this state is some twenty thousand dollars each year. And, sir, for the payment of this large sum, remember, that the people must be taxed, in addition to their other burdens, twenty thousand dollars for the grand jury alone." He was discussing a resolution to abolish grand juries, and what is more interesting to us is that he was getting a respectful hearing.

He was answered by James Rariden, the legal Nestor of Wayne county. "And first," he says, "let me apprise gentlemen, old or young, that, when they undertake to pull down and rashly demolish this part of the American judicial system, they are embarking in a cause too weak to carry them and too heavy to be carried by them. The grand jury system is too deeply rooted in the confidence and respect of the people of the state to be torn up in this day of light and general information." In a long and rather loose argument he showed how the grand jury was allied with the schools and churches to advance morality and that as an institution its main enemies were a class of designing and criminally-inclined men who found the grand jury hindering their ambitions and endangering their schemes.

C. C. Nave, a lawyer from Hendricks, favored the abolition of the system. He said he was convinced that fully one-half the indictments in the state returned by grand juries were either of innocent men or of men who could not be convicted under the charge. In closing his argument he said, "I reiterate my former assertion that I am in favor of the entire abolition of the grand jury system, for I consider that it has been an instrument in the hands of bad and designing men to set aside the claims of justice; and I insist that the system of public examinations is better calculated to suppress vice and punish crime." Mr. Nave was one of the foremost lawyers in the state and his indictment of the system carried great weight.

Daniel Kelso, of Switzerland, thought the grand jury one of the essential features of our judicial system; he could not believe men were serious when they spoke of abolishing it. He objected to an inquiry by a justice of the peace taking the place of a grand jury.

Horace E. Carter, of Montgomery, found the difficulty in the grand jury system to consist in its propensity to find indictments for small offenses. A large part of this meddlesomeness was due to prosecutors who got a fee for every conviction. He estimated the annual expense of the grand jury to the state at one hundred thousand dollars, instead of twenty thousand dollars as suggested by a former speaker. He suggested, as a possible means of saving the grand jury, that it be restricted in its investigations to felonies, leaving misdemeanors exclusively to justices of the neighborhood. However, he opposed destroying the grand jury system.

William S. Holman, of Dearborn, a man of wide and enlightened views, found two sources of trouble in the grand jury. One was in the attention given to small affairs, thus entailing great cost on the county; the other was in the inconvenience caused by taking so many witnesses from their homes and work on long trips to the county seats on the most trivial accounts. He said a remedy could be found in relieving the Circuit courts and, hence the grand juries of any jurisdiction over trivial offenses.

The argument continued through several days, participated in by no less than thirty members, among whom were some of the best known lawyers of that day. John Pettit bitterly assailed the grand jury; Horace P. Biddle defended it; John B. Niles, of Laporte, opposed it; Thomas A. Hendricks favored the grand jury, but would greatly amend it; Judge James Lockhart, of Evansville, opposed any change, as did ex-Governor David Wallace.

The matter finally settled down to a question of whether Mr. Pettit's resolution to abolish grand juries, or Mr. Holman's resolution to leave the whole matter in the hands of the Legislature, with full power to preserve, amend, or destroy it should prevail. Mr. Robinson submitted a resolution limiting the power of the grand jury to such cases only as were

punishable by death or imprisonment for a term of years. This last resolution was promptly voted down. Out of all the agitation, only one short sentence was framed for the finished constitution. It reads as follows: "The General Assembly may modify or abolish the grand jury system." This was the resolution of Mr. Holman and indicates the uncertain feeling of the convention. The grand jury had not made good with the people or with the lawyers. Its life was left hanging by a thread, but its prestige at the time was gone.

THE PROSECUTING ATTORNEY.

Another important factor of the early courts was the state's attorney, usually called the prosecuting attorney, or merely prosecutor. In this connection we will not discuss any of the forerunners of the present attorney-general, but rather those officers who represented the state in all cases in which the peace of the state had been broken and reparation was demanded. In the Revision of 1824 the law creating the office is as follows: "It shall be the duty of the said Circuit courts, in the several counties throughout this state, to appoint some person legally authorized to practice as an attorney and counselor-at-law, as prosecuting attorney in each county; who shall hold his office during good behavior, to be adjudged by the court, and who shall receive for his services in addition to the fees allowed by law, such compensation as the judges in their discretion may allow, to be certified by the court and paid out of the county treasury on the order of the commissioners."

The section of the act following the one quoted above indicates the inherent weakness of the above system. Besides the payment from the county treasury, which was ridiculously meager, for no judge would certify any but the smallest possible charge, the prosecutor was allowed five dollars for each conviction for crime and three dollars for each application for divorce defeated. As a consequence of this, only young or inferior attorneys would accept the appointment. The system also opened up vast possibilities for corruption

and open bribery. That the latter condition existed throughout the early period is assured by abundant testimony.

It was all but impossible for the circuit judges to get on with such prosecutors as could be had under the above system. Some of the old lawyers have given it as their opinion that not one out of twenty of the grand jury indictments resulted in a conviction, while the lowest estimate was one out of five.

The new law directed the governor of the state to appoint a prosecutor for each district, who should travel the circuit with the judge. The chief difficulty in the law was that he held his office only for one year. It was also made his duty to prosecute all delinquent local officers, such as sheriffs, clerks and revenue collectors. He was paid a salary of two hundred and fifty dollars out of the state treasury. It was necessary that he be present at the impaneling of every jury, especially a grand jury. If he was not there, the Judge had to appoint a prosecutor pro tem, who was paid out of the prosecutor's salary. This system had in it many elements of strength and doubtless would have proven satisfactory, but such an officer as the above might have wide-reaching political connections. As it was, he owed no fealty to any power but the governor. Neither the Legislature, Judges nor county commissioners could dictate to him. His very power and independence were his undoing. No sooner had the quarrel broken out between Governor Ray and the Legislature than a ripper bill took the appointment out of his hands and vested it in a joint meeting of the General Assembly. The term was lengthened to two years and the salary reduced to one hundred and fifty dollars per annum except in the Fifth circuit, where it was placed at two hundred dollars. It might be added that the last two features had been included in a law of January 20, 1826, the salary then being placed at two hundred dollars. The prosecutor of the Fifth circuit was compelled by these laws to prosecute all appeals taken to the Supreme court in which the state was a party. This extra work accounts for the munificent extra salary of fifty dollars. As a result of this low salary, the old custom of appointment by the court soon came to be the common thing. A law of February 1, 1834, gave the court power, where the prosecutor

did not attend, to appoint a substitute for the whole district. It soon became impossible to get a circuit-riding attorney to hold the office. The duties fell almost entirely into the hands of young attorneys. If an especially important case appeared —murder, horse-thieving or robbery—interested parties usually hired an attorney to help the prosecutor. The act of February 11, 1843, provided for the election of prosecutors in each circuit for a term of two years.

Many irksome duties were imposed upon the prosecutor in the course of the quarter of a century during which he rode the circuit. A law of January 23, 1829, made it his duty to collect the fines from all persons who had conscientious scruples against serving in the militia. By a law of the same year, he was required to audit the accounts of the road commissioners, the men who received the three per cent. fund from the state and expended it in laying out roads. In the same manner he was required to look after commissioners appointed from time to time for opening up the streams. He was required to look after each appropriation and see that it was entirely and honestly expended. In this matter his duties were a forecast of the present board of accounts. In 1835 he was required to see that clerks promptly transmitted election returns to the secretary of state. In the same year he was required to foreclose all delinquent school-fund mortgages, vesting the title to the real estate in the state.

Various other changes were made in the law governing the office, but all related to details. The officer rarely answered the high demands of the office. The office was used and has always been used too much as a political pawn. This does not mean to deny that many fine lawyers in the old days rode the circuit as prosecutors—in fact, nearly all of them did in their earlier years of practice. As a result of the inexperience of the prosecutor, much of the work of that nature fell on the shoulders of the Judge, a fact which again reminds us that the latter officer was the supporting pillar in the early institution.

In the Constitutional Convention of 1850 there was little discussion of the prosecutor's office. The mania for popular election caught up this office with all others. The only question which divided the Convention on this subject was as

to the advisability of making the prosecutor a state or county officer. The vote favored the state by about two to one and he was made elective for the whole circuit, the same as the Judge.

The act of January 27, 1847, provided for the election of a prosecuting attorney in each county in the state, whose tenure should be three years. These were not circuit prosecutors, and it was not until the act of January 16, 1849, that an act was passed providing for the election of circuit prosecutors for three-year terms. The act of 1849 authorized the voters of the Fourth and Eighth judicial circuits to elect one prosecutor for each circuit on the first Monday of August, 1849, to serve for three years. For some reason the act stated that it "shall not extend to the county of Cass." Furthermore, the provisions of this act did not "extend to the counties of Posey, Perry and Crawford, in the Fourth circuit, nor to the county of Wabash, in the Eighth, until the expiration of the term of service of the present incumbents in Posey, Perry, Crawford and Wabash." The prosecutors so elected were not entitled to any pay or salary from the state. The act of January 27, 1847, providing for the election of a prosecutor in each county, did not meet with success and the act of January 16, 1849, for the election of a prosecutor for both the Fourth and Eighth circuits, was an effort to get back to the former method of electing prosecutors. As a result of the dissatisfaction with these two acts, the Legislature passed an act on February 14, 1851, which again provided for the election of a prosecutor for each circuit in the state, whose tenure was to be two years. These three acts will explain the hiatus in the list of prosecutors in each county.

A complete list of the prosecuting attorneys from 1824, when the first circuit prosecutors were elected, to 1852, when the present Constitution went into operation follows:

Circuits.	Prosecutors.	Tenure.
7	Allen, James C.	1846-48
3	Allison, James Y.	1851-52
3	Barkwell, Harmon G.	1851-52
2	Barnett, Theodore I.	1840-42
4	Battell, Charles I.	1826-32
2	Bicknell, George A.	1851-52
4	Breckenridge, John A.	1837-38
5	Brown, Hiram	1831
6	Brown, William J.	1832-36
1	Brownlee, John	1839
1	Bryant, William P.	1834-38
11	Buckles, Joseph S.	1846-48

Circuits.	Prosecutors.	Tenure.
9	Chamberlain, Eben. M.	1842-43
8	Chapman, John B.	1833-34
4	Clark, Amos	1824-26
12	Combs, William H.	1841-43
7	Cowgill, John	1834; 1837-38
3	Cushing, Courtland	1833-37
11	Davis, John	1843-46
4	DeBruler, Samuel S.	1846-48
2	Dewey, Charles	1833-36
12	Douglass, Robert L.	1843-45
7	Dowden, John H.	1832-33
3	Dumont, John	1837-41; 1842-48
2	Dunham, Cyrus L.	1844-46
8	Dunn, David M.	1845-47
7	Eccles, Delana R.	1838-41
4	Edson, Eben D.	1836-37; 1838-40; 1845-46.
6, 11	Elliot, Jehu T.	1839-44
9	Farnsworth, Reuben L.	1843-46
8	Ferry, Lucian P.	1839-41
3	Finch, Cyrus	1826-28
5	Fletcher, Calvin	1825-26
10	Franklin, William M.	1851-52
9	Frazer, James S.	1851-52
24	Garver, John E.	1851-52
11	Garver, William	1851-52
5	Gooding, Davis S.	1851-52
8	Gordon, George E.	1851-52
5	Gregg, Harvey	1824-25; 1831-33
5	Hammond, Abram A.	1843-47
7	Hanna, James M.	1844-46
9	Hanna, William C.	1838-42
1	Hannegan, Edward A.	1830-32
5	Herod, William	1833-36
10	Hester, Craven P.	1845-49
8	Howk, Isaac	1832-33
7	Huntington, E. M.	1830-32
4	Ingle, John	1841
1	Ingram, Andrew	1832-34
8, 9	Jernegan, Joseph L.	1836-38
3	Johnson, John M.	1832-33
8	Johnson, Thomas	1836-38
6	Julian, Jacob B.	1844-46
2	Kingsbury, John	1824-28
5	Lander, Edward	1847-49
3	Lane, Amos	1826
3	Lanier, James F. D.	1830-32
1	Law, John	1824-30
4	Lockhart, James	1841-45
7	McDonald, David	1834-37
1	McDonald, Joseph E.	1843-47
7	McGaughey, Edward W.	1841-42
7	McJunkin, Erasmus H.	1833-34
12	McMahon, Elza A.	1845-47
6	Macey, David	1838-40
9	Mather, Joseph H.	1846-48
6	Mellett, Joshua H.	1851-52
9	Niles, John B.	1838
5	O'Neal, Hugh	1841-43
6	Parker, Samuel	1836-38
2	Payne, John W.	1836-40
5	Peaslee, William J.	1839-41
6	Perkins, Samuel E.	1844
6	Perry, James	1830-32
4	Pitcher, John	1832-36; 1840-41
2	Porter, William A.	1842-44
8	Potter, William	1849-51
5	Quarles, William	1836-39
10	Quick, William G.	1843-45
3, 6	Ray, Martin M.	1828-30, 1840-42.
3	Robinson, Andrew L.	1849-51
3	Robinson, George	1841-42
8	Sample, Samuel C.	1834-36
7	Scott, Harvey D.	1851-52
11	Smith, Jeremiah	1839-41
3	Smith, Oliver H.	1824-26
13	Spooner, Benjamin L.	1851-52
2	Stapp, Milton	1826
6	Still, John B.	1846-48
8	Stuart, William Z.	1843-45
5	Sweetzer, Phillip	1830-31
3	Test, John	1833
2	Thompson, John H.	1828-32
8	Tipton, Spier S.	1841-43
7	Usher, John P.	1842-44
11	Wallace, John M.	1841-43
1, 8	Wallace, Lew	1851-52
7	Waterman, George F.	1842
10	Watts, John I.	1839-43

Circuits.	Prosecutors.	Tenure.
5	Whitcomb, James	1826-29
5	Wick, William W.	1829
1	Willson, Samuel C.	1839-43
8	Wilson, John M.	1852
10	Worden, James L.	1851-52
8	Wright, John W.	1838-39
1	Wright, Joseph A.	1838-39

WITNESSES.

Probably the most exasperating work of the trial courts of early Indiana was the management of the witnesses. As a rule, few of the witnesses were educated. They were, though ignorant, a headstrong, opinionated people. They had lived for two or three generations without restraint. Stories enough to fill a volume have come down from that day concerning the simplicity or perversity of witnesses. An instance which happened in one of the first sessions of court ever held in Dearborn county, in which an obstreperous witness broke the judge's arm with a slat, has been related.

O. H. Smith relates a case in which Michael O'Brien was charged with stealing the watch of Jimmy O'Regan. Judge Eggleston, presiding judge, said to O'Regan: "Did you find the watch upon Michael?" "Sir, your honor?" Judge, "I say, did you find the watch with him?" "Find the watch on him and didn't I tell your honor that it was me ould mother's watch as she gave me in Ireland? Had I found him with it do ye think I would have troubled your honor with him?"

The following evidence was adduced in a slander case. Queried the attorney, "Mr. Herndon, do you consider it libelous to call a man a Federalist?" "I do." "Which would you rather a man would call you, a Federalist or a horse thief?" "I would shoot him if he called me the one or the other." Attorney, "You have not answered my question." "I would rather be called anything under the heavens than a Federalist." "What damage would you say the defendant should pay for this libel in calling the plaintiff a Federalist?" Answer: "I would say a thousand dollars at the least." Judge Test: "Mr. Herndon, what do you understand by a Federalist?" Answer: "My understanding is that it means a tory, an enemy to his country." Judge: "Is that the common acceptation of the term?" Answer: "Yes, I have never heard any

other from the first settlement of Kentucky up to the present time." General Noble, who was the plaintiff's attorney, informed the court that he had twenty-nine other witnesses who would testify to the same. The plaintiff was awarded one thousand dollars damage by the jury.

The following case of circumstantial evidence is culled from the same "Sketches" as the others. It happened in Judge Eggleston's court, presided over, however, by the associates. The case was for five dollars damages for killing a dog. The plaintiff testified that he saw the defendant pick up his rifle, run across a lot, rest it on a fence, saw a flash, heard the report, saw the dog fall, went up to him, and saw the bullet hole just behind his front leg. The evidence seemed conclusive. All appeared lost, but the defendant's attorney was not disconcerted. He knew the associates had just been reading a new law book, Phillip's Evidence, which cautioned judges against the pitfalls of circumstantial evidence. He therefore recalled the witness, had him repeat his evidence and ended by asking him if he saw the bullet hit the dog. When the witness refused to testify to the fact, the lawyer casually observed to the court, "A case of mere circumstantial evidence," and rested his cause. After due deliberation, the court announced, "This is a plain case of circumstantial evidence, judgment for the defendant."

More space cannot be given to these illustrations. Any number of them can be found in the county histories, in O. H. Smith's "Early Indiana Trials and Sketches" and various other memoirs and reminiscences that have come down to us.

Whatever the shortcomings of the witness, we can remain assured that he gave at least as much good evidence as he was paid for. He was often summoned from home and work, made to tramp, perhaps barefooted, twenty miles and then wait around while the wrangle of the lawyers continued over rejoinders, demurrers, and the whole repertoire of dilatory pleas. The witness received for his service the exorbitant sum of fifty cents a day before his own county Circuit court, or twenty-five cents before a justice of the peace. This was the fee law of 1824. It was later cut to thirty-seven and one-half cents a day. These fees were taxed as costs to be paid by the criminal, who usually preferred to lay them out in jail.

CIRCUIT COURT IN ACTION.

The writer has in the preceding pages endeavored to give some idea of the Circuit courts by an analysis and discussion of its chief factors. The judge, the lawyers, the prosecutor, the jury and the witnesses constituted the essential features of the old court. The following descriptions are written in the hope of conveying some idea of the system in action.

To get anything like a correct picture of the court, it is necessary to divest our minds of all pictures of the furniture and trappings of the court room of today. The country was young, awkward and violent. Knowledge and skill, though highly prized, were not widely distributed. The associates, or "side" judges, had no pretension to legal knowledge. Many of the presiding judges had little more than a smattering of the law. The prosecutor was almost invariably a novice, while the foreman of the grand jury was very frequently a local preacher. Many of the practicing lawyers were of the class commonly called "shysters." They attained considerable success at the bar, when the "side" judges presided, by prejudicing the judges against the really competent lawyers.

The language of this court was strewn with Latin wrecks, many of them so disfigured as to have lost all resemblance to their original forms. If a lawyer was uncertain just how to lay his declaration, he worked it in all conceivable ways in the hope that at least one of his "counts" would be good. If he was uncertain just what to say, he said everything possible, in the hope that in one place or another he would get it said correctly.

The following description is of an early court on the Third or Whitewater circuit: "The building contained two rooms, the largest being the court room, at one end of which there was a platform elevated some three feet, for the judges, with a long bench to seat them. These benches were very substantial in general, sufficient to sustain the most weighty judge; yet on one occasion the bench gave way and down came three fat, aldermanly judges on the floor. One of them, quite a wag, seeing the lawyers laughing, remarked, "Gentlemen, this is a mighty weak bench." The bar had their benches near the

table of the clerk and the crowd was kept back by a long pole fastened with withes at each end."

The young lawyers, always called "squires," attracted most attention from the court house crowds. They sported what had been bee-gum hats; but stress of rain and frost had weakened the fiber or rotted the glue until many of them resembled on a small scale the leaning tower of Pisa. From beneath this wreck of a former beaver there protruded a long plait of hair, carefully wrapped in an eel skin, which hung to the belt, the whole appendage being called a queue. The young "squires" courted the admiration and homage of the multitude. The lawyers had no office, neither did they prepare their cases; so that if not actually engaged at the bar, they were at leisure to walk around through the crowd and talk politics, for all were candidates for a seat in the Legislature.

The people thought holding court one of the greatest performances in the range of their experience. If not unavoidably detained, all those who had no business there flocked to court to hear the great lawyers "plead."

Judge Charles Test has left a reminiscence of a scene that was not only typical, but very common. A man was on trial charged with assault and battery for pulling another man's nose. The case was before a jury. The room was crowded to the last man. The evidence was all in and the crowd had assembled to hear the "pleading." Judge Test, then a young man, rose and said to the court:

"If the court please—" Before he could continue Judge Winchell from the bench broke in with: "Yes, we do please. Go to the bottom of the case, young man; the people have come in to hear the lawyers plead." He then proceeded in a three hours' address to show how greatly his client had been provoked to pull the plaintiff's nose. As he closed and took his seat, the judge bawled out, "Capital; I did not think it was in him."

Few of the lawyers of the first generation had had college training, few had ever seen the inside of other than the meanest frontier school. They were what formerly were proudly called self-made men, and who deserve all praise for their efforts and achievements.

"Special pleading" became a hobby of a few lawyers about 1830 and a nightmare to the attorneys not read up on it. Chitty was the standard work on this subject, enforced by Saunders' Reports. On one occasion a demurrer to a pleading of this kind came up before the associate judges at Charlestown. Charles Dewey and Harbin H. Moore, two as able lawyers as could have been found in Indiana, perhaps, argued it to the judges all day. As Moore closed his powerful argument, one of the judges roused up. "Mr. Moore, do I understand that a demurrer means a dispute?" With disgust, Moore answered, "Yes, your honor." "Then," said the judge, "the opinion of the court is that the demurrer go." "Which way shall it go?" queried the attorney. "Mr. Moore, I will let you know that you are not to ram your rascality down the jaws of justice in this court," responded the judge.

Practically all the important trials of the early days were criminal. There was little property, but a great deal of violence. A good illustration of this kind of litigation was the trial of Hudson, Sawyer and the two Bridges for murdering Indians on Fall creek at Pendleton. The story is well-known and is given here only to illustrate the time. A new log building was erected, with one large room for the Circuit court and a small room for the grand jury. The main room, which was something over twenty feet square, had the usual raised platform for the court, a strong railing in front, a bench for the judges and a plain table used by the clerk. In front of the bar stood a long puncheon bench for the lawyers. A small pen was built for the prisoners, heavily ironed by the local blacksmith, who now sat on the bench as one of the associate judges. Benches on either side of the room accommodated the witnesses. The jail was a hastily-constructed log pen. The prisoners slept on a pallet of straw, guarded night and day.

Judge W. W. Wick, then a young man, but a good judge, presided. Gen. James Noble, then a United States senator, and his young son-in-law, Philip Sweetzer, assisted Calvin Fletcher in the prosecution. Rough and forbidding as were the surroundings, this was an excellent court and met the substantial demands of justice. Harvey Gregg, Lot Bloomfield, James Rariden, Charles H. Test and others of less fame

defended. Before the President Judge arrived, William R. Morris, of the defense, moved the court for a writ of habeas corpus. "For what?" asked Judge Winchell, the blacksmith. "A writ of habeas corpus." "What do you want with it?" queried the judge. "To bring up the prisoners and have them discharged," was the answer of the lawyer. "Is there any law for that?" demanded the judge. Mr. Morris read the statute. "That statute has been repealed," ruled the judge. "Oh, no," said Mr. Morris, "that statute is as old as Magna Charta." "Very well," observed the judge, "it would do you no good. I put them irons on the prisoners myself and you couldn't git them off with a habeas corpus. The motion is overruled." The President Judge entered at this time and court opened. It was a truly pioneer group. The jurors wore moccasins and carried knives at their belts, but they responded to the evidence with a verdict of guilty and the fiends were in due time hanged.

This case became notorious on account of a description printed in an Eastern paper. This description is herewith given to show an opinion of Hoosier courts often met with in the East. *Alexandria* (Md.) *Herald*, June, 1825.—A traveler from the West gives this picture of a court in Indiana. In passing through the state he stopped at a country town while court was in session. He was invited to attend court, and found the judge seated on a large block paring his toe nails. The members were separated from him by a pole withed to the logs on opposite sides of the house. Soon after the judge had finished dressing his toe nails, he inquired of the sheriff why the jury were not in place. He replied that he had eleven tied up stairs, and his deputies were chasing the twelfth—that the jury would be ready in a few minutes.

John Law has left a story of a trial at one of the first courts held in Vanderburg county. Mr. Law was prosecutor. The president judge was absent and the case came before the associates. The criminal was the son of one of the judges and was charged with murdering his wife. The attorney for the defense moved to quash the indictment. Mr. Law observed that he felt sure the court would have some delicacy in ruling on the case considering the relation of the criminal to one of

the judges. He therefore asked a continuance. After withdrawing and deliberating for a few moments, the two judges resumed the bench and stated that the court felt no delicacy whatever in ruling on the case and therefore sustained the demurrer to the indictment and ordered the prisoner released.

Much of the early litigation was over trivial affairs. It is not infrequent in the early court records that one finds a verdict for five or ten dollars with costs of two hundred or three hundred dollars. Corporations as well as corporation laws were little known. Slander and libel suits were frequent, most of them having their origin in political or religious difficulties. Many cases of *ad quod damnum* appear on the early records. The larger number of these were for mill sites—always called "damsites." The law authorized one to condemn private land for this purpose.

In concluding this chapter, one can scarcely refrain from observing that a study of the old court dockets is the best possible way to get an appreciation of the long and painful road by which society struggles on to higher forms and fuller life. It is a museum of misery, misfortune, and despair, illuminated by the flickering torchlight of justice.

CHAPTER VI.

Minor Courts and Practice, 1816-1852.

PROBATE COURTS.

The probate business of early Indiana was carried on by the associate judges and the circuit clerk. The Probate court was established by an act dated January 29, 1818. One would have expected, from the tendency of the lawmakers in territorial times, that the probate business would have been merged entirely in that of the Circuit court. Such no doubt would have been the case had not questions of economy of administration entered into consideration. It was not thought best to detain the whole Circuit court, the juries, the prosecutor, and especially the president judge on such tedious business. The business was largely formal, consisting in making reports in a routine way. Rarely was a lawyer necessary in the practice.

If court was not in session, the clerk of the Circuit court took proof of last wills and testaments and granted letters of administration and letters testamentary. However, if these letters proved unsatisfactory to the judges when they met, they could be repealed and other letters issued in open court. Executors, guardians, trustees and others entrusted with property belonging to orphans, were completely under the power of the associate judges. The latter could demand reports, inventories, exhibits or accounts at any time they chose, providing a reasonable time were given. This latter proceeding was common where an executrix was about to get married or when there were indications that an executor was becoming insolvent.

Executors and guardians were directed in loaning out trust money. No such loan must have been for a longer time than one year. Minors and orphans, when of sufficient age, were

permitted to choose their own guardians. The latter, by and with the advice of the judges, could apprentice the orphans for service.

In appointing guardians the judges had to respect the wishes of the orphans concerning religious preference and no judge had power to appoint to guardianship or apprenticeship contrary to the will of the children involved. If the children were too small, or professed no preference, then the guardian must be of the same religious faith as the parents at the time of the death. The long law of forty-five sections covers all phases of the practice, giving specific directions for the sale of property, or part of it, to pay debts. Nuncupative wills were not allowed to control property worth more than eighty dollars, unless attested by two witnesses, who were present at the making of it, or unless it were made during the last illness of the testator and in his own home, unless such person were taken suddenly sick away from home. Appeals in all cases of probate lay to the Circuit court. If either or both associate judges were interested in the matter, then the estate had to be settled by the Circuit court. By an act of December 31, 1818, the widow received one-half the property if there were no children and one-third if there were.

By the law of February 11, 1825, the associate judges were constituted a Probate court independent entirely of the Circuit court. They were given full power to hear and determine all matters connected with the settlement of decedents' estates, except where the title to real estate was brought into question. This court sat at the seat of justice for the county on the Monday preceding the regular terms of the Circuit courts. Appeals lay to the Circuit court as under the former law.

The Legislature from time to time assigned new duties to this court, enlarging its jurisdiction and increasing its importance until 1829, when it was again reorganized. By this act—January 23, 1829—the last connection between the Probate and the Circuit courts was broken. Instead of the two associate judges holding it, there was elected a probate judge for each county. His term of office was seven years. He had to have a certificate from either a president or supreme judge to the effect that he was qualified for the office before he could

be commissioned by the governor. It was constituted an independent court of record under the style "the Probate court" of the given county.

This court had original and exclusive jurisdiction in all matters relating to the probate of wills, granting letters of administration or testamentary and the settling of decedents' estates, the protection of minors, lunatics, idiots, and the control of all guardian trusts.

The county sheriff and circuit clerk were made officers ex-officio of the new court. A complete docket was kept, the same as in the Circuit court, and the sheriff attended all of its sittings. In the settlement of estates, bills could be filed just as in chancery and plenary proceedings had, by following the regular chancery rules. When such bill or petition was denied, trial proceeded much as in the Circuit court. The court directed an issue of facts to be made up and the sheriff was ordered to summon the traverse jury of the last Circuit court. The case was tried and final judgment rendered. The judge had full chancery powers in compelling answers, making up issues, and punishing contempts, while the lawyers had the same rights of challenge as if it were a proceeding in the Circuit court.

The sixty-three sections of the law provide for all probable conditions and complications of administration. Creditors of the decedent were to be paid in the following order: funeral expenses, expenses of last sickness, officers' fees, judgments and debts of record, debts evidenced by written instruments, and open accounts. Widows were given one-third of the chattels of the deceased husband if the property was not necessary in the payment of the debts, and she was entitled to one hundred dollars if the estate was completely insolvent. Seven years were allowed in which to contest a will.

The sessions of the court were fixed for the first Mondays in January, March, May, July, September and November. Each term was to last three days. The judge was not debarred by his office from practice in any other than the Probate court. He received three dollars a day out of the state treasury for time actually spent on the bench. Appeals lay from this court direct to the Supreme court, but not to the Circuit court. It

was specially arranged that sittings of the Probate court should not conflict with those of the Circuit court or of the county board.

While the court was in vacation the clerk took proofs of wills and issued letters subject to the approval of the judge at the next term. If the probate judge were interested in any case, it was transferred to the Circuit court for action.

The General Assembly of 1831 reduced the number of sessions of the Probate court to four, February, May, August and November, but lengthened the session to six days. The same act gave the court full power to deal with titles to real estate involved in any case brought before it, regardless of whether the real estate was in the same county or not.

An act of February 1, 1834, gave the Circuit court concurrent jurisdiction in all suits at law or equity, cognizable by the probate judge who had power to issue a writ of *habeas corpus*.

In the Revision of 1843 the law organizing the court was simplified somewhat. The concurrent jurisdictions of the two courts were retained in all suits at law and equity, in all partitions of real estate, in assignment of dower, and a few other minor cases. The court first taking cognizance of a case retained it. The right of appeal was given to either the Circuit or Supreme court, the usual rules prevailing in such practice.

The pernicious practice of special legislation which became common about 1840 rapidly undermined the Probate court. Twenty-eight separate new laws affected the court in 1844, the next year after the revision; fifteen laws of the General Assembly of 1845 dealt with the same court; twenty-two amendments were enacted in 1846; nineteen in 1847; twenty-five in 1848; at least thirty-seven changes were made in the law in 1849; and in 1850, under the shadow of the Constitutional Convention, it was amended a time or two. Most of these statutes were merely personal and meddlesome. It is hardly necessary to observe that no institution could live on the chop seas of such legislation. By 1850 scarcely any resemblance to a system of courts remained. Each in large measure was a special court for the county in which it was located.

The Probate court does not seem to have given much satis-

faction. The first report of the judicial committee to the Constitutional Convention failed to provide for the Probate court. Its duties were to be turned over to the Circuit courts. This report, made by John Pettit, an eminent lawyer of Lafayette, provoked a long discussion among the lawyers, in which may be read the history of the Probate courts during the twenty-one years of their existence.

William S. Holman, delegate from Dearborn, who had served as a probate judge, thought the convention would make a serious mistake if it failed to supply some better court for the probate work. "It has been," he observed, "the one crying evil of our judicial system. I know of no business connected with the administration of justice which is of more importance to the people than the probate business. The fact that its proceedings are mainly *ex parte*—business in which the widow and orphan are principally interested—is enough to satisfy any right-thinking and right-feeling man that the judges before whom it is settled should be not only competent in all that pertains to the judicial character, but also that they should be men of such personal integrity and legal attainment as to give them the entire confidence of the people." He thought that the widows and orphans of the state during the time of the court's existence could well have paid the salaries of competent judges rather than have sustained the loss resulting from the existing system. Mr. Holman proposed as a substitute for the Probate court a Circuit court which would hold at least three sessions per year devoted to probate business. He further characterized it as a "court without character and without standing," a court whose decisions were "five times wrong where they are once right." Instead of the thirteen judicial circuits then in existence, he would have made twenty-four and given the probate work to the Circuit courts.

In speaking on the same subject, Christian C. Nave, of the Hendricks county bar, said, "I admit frankly that the probate system is in many instances absolutely ruinous to widows and orphans, and that it is a curse rather than a blessing." However, Mr. Nave feared to turn the business over to the Circuit courts and proposed that "there be elected in each

county one county judge to hold office four years who shall perform the duties of a surrogate and probate judge."

Alvin P. Hovey, of the Posey county bar, later a congressman and governor, thought it impossible to devise a plan worse than the Probate courts as they then existed. "The judicial history of the world cannot present a more imbecile judicature of that kind than has existed in this state since 1816. The men who preside in these courts are generally honest and upright, and are raised to the bench on that account, but there are but few of them who make any pretentions to legal acquirements, and yet the probate courts may be said to be the most important, in a practical point of view, of any courts in the state." He estimated that all the property of the state passed through the Probate courts every twenty-five years. The difficulty, he thought, was to be found in the refusal to pay a salary for this work sufficient to attract lawyers. "I find no fault with these judges as men; they no doubt do what they think is right; but every lawyer knows that there is more fraud and rascality, and more wrong done in these courts to the helpless, the widow, and the orphan, than has been perpetrated in all other courts put together." The future governor instanced an executor's bills that were accepted by a probate judge, which included his cigar and champagne bills, traveling expenses in various parts of the United States and, finally, the cost of building himself a house.

Robert Dale Owen stated that there was no feature of the old government more universally condemned, and none on which the people demanded an improvement, more than the probate system. He insisted on holding the Convention in session until it had given the people some remedy for the iniquity.

David Kilgore, of the Delaware county bar, thought the subject of the Probate court as important a matter as had come before the convention. "Although it has been," said Mr. Kilgore, "the subject of legislation for thirty years, we still have a system that is calculated not only to unsettle land titles, but to tolerate frauds of the most abominable character." Mr. Kilgore thought the great majority of probate judges were nothing but country squires and that it was only

natural that when they undertook to administer chancery rules they succeeded only in making mistakes. He was sure of one thing only, and that was that the Probate court ought to go. He pointed out another unfortunate condition which had grown up largely as a result of the Probate courts. First-rate lawyers could hardly get a respectful hearing in a Probate court and if they had any business there it usually became necessary to take an appeal either to the Circuit court (when that was possible) or to the Supreme court, in either case involving heavy cost and much loss of time.

Henry P. Thornton, of New Albany, a member of the judiciary committee and a lawyer of ability, also found great dissatisfaction with the Probate courts. "I heartily agree," he said "that this system has done nothing but furnish facilities for robbing the widow and the orphan, as well as for doing injustice to the creditors of the estates of the decedents; that the proceedings of those courts are such as to lay a foundation whereby all our land titles will be shaken and rendered doubtful." He favored a new county court, not alone for the probate business, but to have cognizance over lesser crimes and suits at law.

Enough has been given here to show that the leading lawyers of Indiana in 1850 considered the old Probate court a failure. It was not only a failure in itself, but a constant source of corruption to public opinion. Nothing is more dangerous or costly to a community than misinformation in regard to the law. This is what usually was obtained at the Probate court. Legal advice at this court could be had without price and this caused it to be in considerable favor with the common people. When the opinions of the probate judge were overthrown in the upper courts it was attributed often, not to the error of the opinion, but to the smartness or trickery of the lawyers. The whole misfortune can be traced to the attempt to be too economical in county government.

JUSTICES' COURTS.

The Justices' court was one of considerable importance in our early history. Relatively, it occupied a more important position in the community than at present. Aside from his

strictly judicial duties, the justice was a man of great social prominence and usefulness. In a community composed in large measure of Southern people, the traditional English reverence for the country squire remained strong. First-class practicing lawyers were so scarce that much of the duty now devolving on them was done by the justices. Intelligence and education were then less widely spread than now, so that hundreds of such papers as are written now by any business man or farmer were then drawn up by the justice. He wrote out contracts, wills, deeds, mortgages, all kinds of notices—legal and otherwise—as well as counseled his neighbors on the probable effect of their intended actions. While a great many stories have been told at his expense, and though doubtless many a court held by him was ridiculous in the eyes of the lawyers, still he was a worthy officer.

The office of the justice was recognized by the Constitution in 1816 as follows: "A competent number of justices of the peace shall be elected by the qualified electors in each township, in the several counties; and shall continue in office five years, if they shall so long behave well; whose powers and duties shall, from time to time, be regulated and defined by law." It is not considered good politics for a Constitutional Convention to be too specific, but in this case it redounded to the benefit of the people. Although a great many additional duties were added to the office, the main function remained the same through the period from 1816 to 1852.

The act which carried the above grant into an institution bears date of January 28, 1818. It gave the justice jurisdiction coextensive with the county in criminal cases. At his bar anyone could prefer a charge and have the one accused arrested and arraigned. If necessary, the justice might then commit, discharge, or let to bail the prisoner. In other words, he was a conservator of the peace for the county.

If the person arrested was charged with "riot, rout, affray, unlawful assembly, or breach of the peace," it became the duty of the justice, within thirty days, to have a jury of twelve qualified electors impaneled by the constable or sheriff and proceed to trial. The highest punishment he could inflict was a fine of twenty dollars and costs. In default of payment the

condemned could be taken to jail. If during the trial, the justice felt that he could not administer sufficient punishment, he could stop the trial and bind the prisoner over to the Circuit court. It was not necessary that the county prosecutor attend these trials.

In civil cases the power of the justice extended only throughout his own township and to suits involving not beyond fifty dollars. The Justice was required to keep a docket and furnish copies of the record. Considerable latitude was given the parties to a suit. They could by agreement try their cause before the Justice himself, or have him call a jury; or, by agreement, they could select three arbitrators who should hear and determine the suit. In this latter case the award could not be vacated by the higher court except for fraud. In all other cases an appeal would lie to the Circuit court, provided the appeal was prosecuted within thirty days.

The Justices were not permitted to try other than trivial suits affecting real estate. If there was no constable convenient to carry out his orders, the Justices had power to appoint one. By a law of the next Assembly the Justice was placed under one thousand dollars bond and compelled, when leaving the township, to deposit his docket with another Justice of the township. The same law also gave the Justices' courts exclusive jurisdiction over suits wherein five dollars or less were involved. This was amended by the act of January 22, 1827, so that Justices might try cases in debt or *assumpsit* where as much as one hundred dollars was involved. In the Revision of 1831 Justices were given power to try replevin suits where the value of the article did not exceed twenty dollars. If the plaintiff demanded a jury and failed to recover at least twenty dollars he was compelled to pay the jury fees. The Justices' code of 1831 contains eighty-nine sections and twenty-four blanks for different writs and forms used in his court. This indicates that these courts were coming to be widely used.

The law of February 3, 1832, gave the Justice wider jurisdiction at the expense of the Probate court. Executors, guardians, and administrators were permitted to sue in the Justices' court if they could bring a similar suit in their own right.

The limitations to jurisdiction with reference to *trover* and *conversion* were removed. In suits on account it was made imperative that the plaintiff include all his accounts in one suit. If there were evidence that the defendant was making away with his goods an execution could be issued on Sunday.

In 1833 the Justice was given permission to use a jury of six men in small civil cases. The parties were given the right to challenge the same as in the Circuit court. Two new misdemeanors were added to the criminal code this year, over both of which the Justice had exclusive jurisdiction. One was that of horse-racing on the public highway, and the other was shooting on, along, or across the same.

At this point it will be best to go back and notice another duty that at times devolved on the Justices. The law constituting the board of county commissioners in 1817 had made it the duty of that board to designate what it considered a "sufficient number" of justices for each county. These had been duly elected from year to year till 1824, when a law, bearing date of January 31, 1824, discontinued the commissioners' office and transferred its duties to the county board of justices, composed of all Justices in the county. They were made a body politic and corporate. They were directed to meet in the following September, 1824, and organize, and meet thereafter every two months to transact county business. The clerk of the Circuit court was made their clerk and the sheriff did their bidding. At their January meeting they appointed the listers, constables, overseers of the poor, election inspectors, superintendent of school sections, fence viewers, county treasurer and pound-keeper.

Each Justice had to attend on penalty of a fine of twenty dollars. They sat three days each meeting. The old board surrendered its business into their hands and passed out of existence. Thus the Justices became almost the whole county government.

This continued about eight years, until the law of January 18, 1831, restored the old method of doing county business through a board of county commissioners elected by the voters. An earlier law, dated January 20, 1827, had permitted Franklin, Fayette, Union, Henry, Rush, Shelby, Greene, Vigo,

Park, Vermillion and Montgomery to resume their former commissioner from of government.

By the act of February 1, 1834, the counties of Harrison, Orange, Monroe, Parke, Hendricks, Johnson, Putnam, Owen, Clay, Spencer and Greene returned to the Justices' government of the county. Were one disposed to look for it, he might find here a conflict between New England and Southern ideas of local government, but such a quest would hardly be proper in a discussion of the courts. The next year (1835) Gibson, Decatur, Posey, Boone and Washington passed over to Justices' government, the latter, however, changing back the following year.

In the Revision of 1838 the law governing Justices' courts is expressed in one hundred and five sections, with twenty-four forms of writs prescribed. A comparison of this with the earlier revisions shows a gradual widening of the powers of the court, which may be taken to indicate its growing popularity in the counties. In the Revision of 1843 the chapter on "Courts of Justices of the Peace" has grown into a code of three hundred and forty-six sections, besides the forms. It would be too tedious to trace the development further, especially through the wearisome years of special legislation. The Justices' court suffered at this time much as the other institutions of the state. Amendments were made to apply to a few or a single county. Not only a few of these special laws were enacted, but scores of them during the period from 1840 to 1850.

CHANCERY COURTS.

Chancery practice was regarded with great favor by some of the older lawyers, but as a rule was not resorted to by the younger members of the bar. The laxity of its rules enabled a good lawyer to secure justice by its use not attainable under the Common Law. The very laxity of its rules, on the other hand, made it a region of pitfalls and surprises to the young and unskilful lawyers. The Revision of 1824 defined the practice for Indiana. It contains only thirty-three sections, the last four of which relate to the Master in Chancery.

This officer was to be appointed by the President Judge for each county. He held his office at the will of the court. His

duties were to take the attestation of all bills in chancery as well as all applications to take depositions, and to administer oaths to witnesses. In a settlement of accounts he could also strike a balance. His fees were the same as those of the Justice for corresponding work.

The Revisions of 1831 and 1838 follow almost exactly the words of the Revision of 1824. Somewhat wider power is given the Judges in issuing writs and in reviving cases already closed. The change, however, is negligible.

The Revision of 1843, on the contrary, shows a wonderful growth of the chancery practice. Especially was the power of the Master in Chancery expanded, making of him almost an independent trial court. The power of injunction was not restricted, but rather more carefully defined. It was to be used to stay waste, to stay all proceedings on judgments at law, to stay pending suits, and to grant reviews of judgments at law, or enforce restraining orders. Idiots and insane persons were placed under the care of the chancery side of the Circuit and Probate courts. The whole Chancery code was expressed in one hundred and ninety-four sections, as compared with the thirty-three of the former codes.

LAW PRACTICE.

Following in the old revisions, immediately after the chapter on Chancery Practice, is the chapter regulating the practice in suits at law. In the Revision of 1824 only the simplest and most fundamental rules of Common Law practice are given, together with a few modifications, chiefly in the form of abbreviations. The language smacks of the old law. *Capias ad respondendum, Alias, Pluries, Non est factum, Scire facias, Dedimus Potestatum, De bene esse, Jury de mediatate lingua, Non sum informatus* are the only Latin phrases found in the ten pages of the regulations. Most of these are not unfamiliar to the ordinary attorney of today. It is interesting to note that the Revisions of 1824, 1831, 1838 and 1843 contained glossaries defining Latin legal phrases. No less than eighty are defined.

In the Revision of 1831 at least eleven new sections were added to the chapter on Practice at Law, though little notice-

able change was made in the practice during the decade of the thirties. In the Revision of 1843, however, the fifty-eight sections of the two former articles had grown into four hundred and eighty-eight sections, covering an even hundred pages. The subject had been disposed of in the former revisions in eleven pages.

These comparisons indicate a great change going on in the practice. From 1816 to 1835 the practice was featured by the appeal to the jury. A large part of the practice was in the Criminal court. In this the attorney depended almost exclusively on his appeal to the jury. Men like General W. Johnston, James Noble, Governor Ray or Amos Lane developed considerable powers in this field of oratory. Perhaps no one of our day would care to hear one of these men speak four hours on a provoke case, but the folks of that day enjoyed it. We read of juries wrought up to frenzy or melted to tears by the eloquence of these early barristers.

While this species of forensic eloquence remained characteristic of the old Circuit courts, lawyers as early as 1830 began to give more attention to the pleading side of the practice. By 1840 many of the special pleaders had attained such skill in this line that, with an uncertain judge and an unskilful attorney to oppose, they could almost prevent a case coming to trial. The Revision of 1843 shows distinctly the effect of this practice.

On the other hand, a study of the debates in the Constitutional Convention shows that the public did not think highly of this form of practice. In the old days a case was set down for trial and the people could gather in with the assurance that the trial would come off on schedule time, but by 1850 it had become customary to delay cases at bar for one or more years.

Horace E. Carter, a member of the Montgomery county bar, shows very well the attitude of the laymen to this new development in court practice. Speaking on the question of "Law Reform," he said, "Of all the questions which have agitated our people and which have operated as a reason for the call of this convention there is not one in which so much inter-

est has been felt, not one reform which has been so loudly demanded." After adverting to the progress of the world, he remarked, "But shame to our state that it must be said the worse than useless formalities and technicalities of a hoary fabric of pedantry and absurdity has stood unchanged, boasting of its barbaric origin and defying modern innovation." This outburst has scarcely any application to the practice of the time, but it illustrates beautifully the style of many of the lawyers of that day. Later on he denounced the whole legal system as a "cunningly devised machine to make money and deceive the people." After quoting Jeremy Bentham, he quoted Judge Wells, of the United States Circuit court, who declared that "During the fifteen years I have practiced law I can say, with safety, that not one-half of the suits with which I have been familiar were decided upon their merits, or upon principles of substantial justice. This was not attributable to the courts, but to the system of practice and pleading."

One more quotation from Mr. Carter, who was voicing the sentiments of those clamoring for a reform in the practice of the law: "Our pleadings admit of a mass of imposture, trick and chicane. If, then, the system is what it is stated to be, and what every man knows it to be, who knows anything of the law, the system ought to be changed, or some other, better suited to our wants, substituted in its stead. That plan has been proposed by the committee in their report, the adoption of which I confidently expect by this convention. I would abolish the whole system of pleading; all the distinctions between actions in law and between law and chancery, as well as between law and equity."

It is not thought advisable at this point to go further into this matter than merely to indicate that by 1850 there was a powerful reaction against the intricacies of special pleading which had grown up during the forties. All those nice distinctions laid down in the Revision of 1843 were swept aside by the lawyers in the Convention of 1850. The era of special pleading was over. The study of the subject had had a powerful influence in the development of the Indiana bar. Doubtless many lawyers took advantage of their skill to circumvent justice, but on the other hand the day of the shyster who could

blow for a half day to a jury, and for that reason pose as a lawyer, was gone. The practice compelled the lawyer to study his case, to understand the nature of the remedy asked and the means employed. One of the speakers urging reform unwittingly indicated one of the best results of the old system: "A man mistakes his action—goes into law where he should go into chancery. He has an equitable defense, but can not plead it, but must let judgment go against him by default, pay the costs and then go to chancery to enjoin or set aside the judgment." To avoid just such a result as this the advocate had to devote his time to the study of the nature of his case and the possible remedies, rather than to improvising and committing a harangue for a jury. As stated above, the system was carried to extremes, but there can be no doubt that the study during the forties improved the bar.

The dependence of our early practice on the Common Law is well set forth by the following report by Stephen C. Stevens, from the Legislative Judiciary committee, to whom was referred a resolution of the House in 1827 [House Journal, 1827, pp. 414-417]:

> The committee on the judiciary, to whom was committed a resolution of this House, directing an inquiry into the expediency of reducing so much of the common law, including the British statutes, as are now in force in this state, together with the decisions of the chancery courts, to a written text, under proper heads and divisions, have had that subject under their consideration and now ask leave respectfully to report:
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> That they consider the subject embraced by that resolution, a matter of more than ordinary importance, and that it requires much more grave and deliberate consideration than this committee has bestowed upon it. Codification, and the expediency and practicability of having written codes of laws for the government of mankind, have employed the attention of the ablest jurists and civilians of the present age; and all agree, that it is not only expedient, but entirely practicable. Napoleon, with the assistance of the jurists and civilians of France, succeeded in establishing a written code for the government of the French empire; the people of the state of Louisiana, with the assistance of their Livingston, have reduced their laws to a written code; and the committee cannot see why the state of Indiana, or any other nation of people, cannot reduce their laws to a written text also.
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> When the state of Indiana adopted her Constitution, and commenced a state government, she had no written laws prepared for the government

of her people. To prepare and adopt such a code required much labor, deliberation, expense and time; hence the people wisely adopted the common law of England, and all the British statutes in aid thereof, passed prior to the fourth year of James I, inasmuch as they had no other rule of civil conduct prepared. Those adopted laws, although they furnish the whole rule of our civil conduct, are neither visible nor tangible to the main body of the people. They are only to be found in digested elementary law books, or in the first volume of numberless reports of judicial decisions, many of which decisions are contradictory, others obsolete, and others almost buried in the heterogeneous mass of feudal jargon, nonsense and tyranny with which they are intermingled and entwined. The common law of England is a metaphysical essence, which originally consisted of certain feudal traditional customs, but which has, by the force of events, been extended and identified with the government of the country of England; which regulates the prerogative of the king, the rights of the subject, and is considered as the source of various jurisdictions, which makes part of all the civil and political institutions and is connected with everything that relates to the government of the nation. On the first settlement and formation of the American colonies, the founders brought with them the common law, which every Englishman regards as his birthright; but each colony judged for itself what parts of it were fitted to its new situation, and, either by legislative provisions, or by judicial decisions, or usage and practice, adopted certain parts and rejected others, so that in no state of the Union is the whole of it received; some have adopted what others have rejected. Under this diversity of common law, the most that can be said is, that it is the law of each state on any matter where it has not been derogated from; but the common law of one state is not the common law of another, in all things, much less of the United States.

The American Revolution has furnished decisive arguments to those who are opposed to the common law of England, in its unwritten form. It has made written constitutions the basis of government and legislation, and the constituted authorities have to look to their constitutions and their legislative acts for the foundation and measure of their powers. This much having been consummated, why stop the progress of civil jurisprudence and improvement? Why not root out all the vain forms and unmeaning phrases of the ancient feudal system? Why not abolish the inextricable labyrinth of the English practice, and render justice plain and accessible to all? Why not at once realize the desired object, by reducing the whole body of the laws to a written text, so that every man may see, read and judge for himself, without having to recur to the antiquated decisions of English judges. It is indeed something astonishing that the American people should submit so long to be governed by such strange usages, transmitted by vague and uncertain tradition, from age to age, without any other authority than judicial decisions. This prodigy may be accounted for in England, by the concentration of all judicial authority

at Westminster, in the persons of twelve judges, who meet and confer on all doubtful cases, and so preserve that uniformity essential to their jurisprudence. But in the United States of North America no such uniformity can be preserved: there are already twenty-four superior, and an almost infinite number of inferior, tribunals, over which there is no confederated head, having power to enforce and preserve uniformity.

The divergence of the state courts must soon become extreme, unless they cease to rely upon these blind traditions. The common law may continue to find favor with the English, as a tradition of national antiquities, notwithstanding its shocking defects and extravagances. Time has, in that country, affixed its seal to these inconsistencies, and has interwoven an unnatural alliance between them and the manners and customs of the people. The heterogeneous elements are so intermixed that it is supposed impossible to reform any part without tearing up by the roots the ancient liberties of England; but the Americans have no such motives for upholding this superstition. They can have better security for their civil and political rights than obscure traditions beyond the seas. It is by written and unequivocating constitutions, and codes of laws, they will protect that liberty which, in defiance of those traditional doctrines, they had the courage to achieve. Americans ought to establish a legislation in the true spirit of their fundamental compact: they have all the elements in their own possession. This would be more worthy of them than the seeking for the rules of their judicial decisions in the judgments of foreign tribunals.

It is said by many, that to digest or codify the principles of law, so far as they have been determined, will save no labor to the man searching for a rule of civil conduct; that cases would still have to be resorted to, to ascertain the shades of difference in those that have been decided, from those that would arise afresh. Mere general principles, so plain as to be at once acknowledged, would be too loose for practical purposes. To this it may be replied, that reported cases may all be reduced to two classes: First, those which serve as the basis of general principles; second, those which contain circumstances of limitation, enlargement or variation, that render the application of general principles difficult, or that compel them to be modified when applied to cases before court. Under these two heads, all cases whatever may be classed. Now it is manifest that a written code would save all the first class and would render useless a great part of the second class. And if everything that is wished for cannot be done, ought we therefore to abandon all improvements in despair, and no nothing?

A digested code of plain, undeniable, legal principles, founded on the morality of common sense, applied to every-day transactions, might render the whole community wiser, better, more prudent, more cautious and less litigious. Men would better be able to judge when they ought and when they ought not to go to law; they would be better jurors, better arbitrators, wiser and better citizens.

The committee, without attempting to discuss the real merits of the inquiry, have sketched this hasty and undigested report—hoping thereby to elicit further discussion of those points by the people generally, or by some future legislative body.

With these remarks, the committee ask to be discharged from any further consideration of the subject.

House Journal 1827, pp. 414-417.

The subject-matter of law suits, both the "*res*" and the "*res gestae*," have greatly changed in the course of the last hundred years. One of the commonest suits in the old courts up to about 1830 was the trial of a writ of *ad quod damnum*. The purpose of this suit was to condemn land along the side of a waterway for a mill- or dam-site. The writ directed the sheriff to impanel a jury of twelve men to go and view the site and, if conditions were favorable for the improvement, condemn one acre on the opposite side of the stream from the mill and abutting the dam. It was also their duty to appraise this dam-site and estimate the probable damage that would be done by building a mill-dam. They must see to it that navigation was not obstructed and that fish were not prevented from passing back and forth.

The jury sealed its findings and transmitted them to the Circuit court. If the court found that the "mansion house" of any landowner would be flooded, it should not allow the writ. It was also necessary to prove to the court that the mill when built would be of public utility. It must also be shown that the pond above the dam would not endanger the health of the community. If all things were favorable, the person seeking the writ paid the damages and secured title to the acre. However, if he did not begin to build within one year and complete it within three years the land forfeited to the original owner. These points gave occasion for great arguments between the lawyers.

Another common action in the early days was for trespass. Nothing would exasperate a farmer so much as to have his crops damaged or perhaps destroyed by a neighbor's cattle. One of the common traditions of the folks who came from the southeast, the Carolinas and Kentucky, was that the uninclosed land formed a public pasture. They resisted long and successfully any attempt at what they called the "stock law," whereby

they would be compelled to fence their own stock in rather than their neighbors' stock out. In place of a "stock law" they had a "fence law". It seems at this distant day that it would be impossible to frame a law more pregnant with possibilities for lawsuits than the old "fence law." The law of 1818 is worth quoting: "All fields kept for enclosures shall be well enclosed with a fence composed of sufficient posts and rails, posts and palings, palisadoes or rails alone, laid up in the manner which is commonly called a worm fence; which posts shall be deep set and strongly fastened in the earth, and all fences composed of posts and railings, posts and palings, or palisadoes, shall be at least five feet in height; and all fences which are composed of rails in a manner which is commonly denominated a worm fence, shall be at least five feet six inches in height, the uppermost rail in each and every panel thereof supported by strong stakes strongly set and fastened in the earth so as to compose what is commonly called a staking and ridering, otherwise the uppermost rail in each and every panel shall be braced with two strong rails, poles, or stakes, locking each corner or angle thereof; and in all the foregoing materials, the apertures between the rails, palings, or palisadoes within two feet of the surface of the earth, shall not be more than four inches, and from the distance of two feet from the surface of the earth the apertures between such rails, palings and palisadoes shall not be more than six inches, and that in all worm fences staked and ridered the worm shall be at least four feet six inches and if locked as aforesaid, the worm shall be at least five feet." The above were the specifications for a lawful fence. The attorney who failed to prove the above could hardly hope for damages in a suit.

To render this proof at least possible, the commissioners were directed to appoint two viewers who visited the fence in question and reported under oath to the court whether the fence was lawful or not. It does not seem beyond the truth to say that these trespass suits were the most bitter legal contests had in the early years. Lawyers were employed and costs incurred out of all proportion to the damages sought. The man who lost in one of these neighborhood feuds, for they usually resulted in such, was disgraced. Numerous instances

have come down in which both parties to the suit were broken up. Neighbors have been estranged for life and in many cases brothers, or more often brothers-in-law, have been made life-long enemies.

Another class of suits closely akin to the above was the replevin. All stock ran at large. Each farmer had his registered stock mark, which usually consisted of some kind of slashes of the animals' ears. One man might merely have a "crop" off each ear, another a "crop" off one and a "split" in the other, a "crop" and "split" in the right and a "hole" in the left, a "swallow fork" in the right and an "underbit" in the left, and so on, ad infinitum.

The writer has seen hundreds of head of stock marked in this manner. Suckling pigs and calves were not supposed to be marked until they became "weanlings." As might be inferred, at the weaning period was the proper time to steal stock. Many owners neglected to mark their stock at the proper time. The natural result of all these customs was endless petty litigation, much of which, originating in the Justices' courts, was carried to the Circuit and Supreme courts. As in the case of the trespass suits, the real foundation of the litigation, the fuel that fed the flame, was the animus between the parties rather than the property at stake. It was great fun for the younger attorneys to get in a case of this kind, bring out all the folks in the neighborhood as witnesses and, after the evidence was in, to argue a day or two before the jury for the benefit of the parties and their friends who crowded in to hear the lawyers "roast" the parties, the witnesses and one another.

A third class of cases, which takes us over into the Criminal court, arose from the violence common to the frontier. Fighting was common and every man had to sustain his reputation for physical courage. The ordinary man never thought of going to court. He fought it out, shook hands with his opponent, and all was over. But in most every neighborhood there lived some "colonel," who tried to sustain an undeserved reputation for bravery by the aid of the courts. Provoke and slander suits were his main reliance. These

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suits also offered the lawyers great opportunities for arguments, especially in establishing character or the opposite.

Yet another class of petty criminal suits occupied a great deal of time in the Circuit courts. The courts, through their clerks, licensed dealers in liquor and merchandise. Liquor was widely used and quite as widely sold. The offense of selling without a license, which cost from five dollars to twenty-five dollars at the discretion of the county board, usually drew a small fine. The cases were not contested as the preceding and the lawyers rarely appeared. The cases are important merely because of their frequency.

These suits were all petty, however, when compared with the trials of the three great criminals of the early days—the murderer, the horse-thief and the counterfeiter. While the litigants in the former cases were in deadly earnest, the attorneys and Judges usually regarded them with less seriousness. On the other hand, there was solemnity on the countenance of every one at a murder trial. The Judges and attorneys were especially circumspect lest justice be not done. The rules of law were applied with the utmost nicety by the Judge. The lawyers were alert that no opportunity pass by which they might profit. The jury was drawn with utmost care. The lawyers usually divided the work and the one who was to make the final appeal studied the jury narrowly throughout the trial for any evidence of sentiment, passion, prejudice, or interest. As a result of these passionate pleas, the juries frequently rode down both law and evidence in their verdicts. An experienced advocate was well nigh irresistible before a backwoods jury. Such efforts reached their height in capital cases. There are a number of cases on record in which the accused was hanged, when from the evidence it seems a jury of today would at most have imposed a light term of servitude.

Taken by and large, the practice was not such as a lawyer of today would enjoy. The travel from county seat to county seat was exhausting, the accommodations at the county seats were meager, the practice at the bar was full of humiliating tricks and surprises, the pay was small and often made in other forms than cash. Defeat was oftener attributed to the

lawyer than to the lack of evidence or to the weakness of the case.

The following are the famous rules of the Circuit court drawn up by Miles C. Eggleston. They were followed largely not only throughout Indiana, but in many other states of the northwest:

RULES OF THE CIRCUIT COURT OF SWITZERLAND COUNTY.

(Adopted February 11, 1823.)

These rules are recorded in Order Book (February, 1823; April, 1825) of the Switzerland County Circuit Court, pp 2-4:

1. On the first day of each session, the court will meet at eleven o'clock in the forenoon, and on each succeeding day at nine o'clock in the morning unless the press of business, or other peculiar circumstances, should induce a temporary alteration.

2. At the meeting of the court on each day all the officers, jurors, witnesses and suitors will be expected to be present and ready to perform their several duties when called upon. And it shall be the duty of the sheriff on each meeting of the court to call all the attorneys attending the same audibly at the door.

3. The minutes of the preceding day must be read every morning by the clerk before any business is taken up. The attorneys concerned are requested to attend and see that the entries are correctly made by the clerk.

4. All motions must be made as soon as the minutes are read and signed on each day of the term and only one attorney on each side will be allowed to argue motion unless the court under particular circumstances should wish to hear others.

5. In all cases the attorneys holding the affirmative shall have the opening and closing of the case.

6. In making motions the attorney prosecuting the pleas of the state shall be entitled to precedence and the rest shall be heard in the order they qualified in court, but no gentleman shall make more than one motion at a time.

7. Whatever the parties by counsel agree to do in any case pending they may direct the clerk to enter accordingly without troubling the court, and where a suit is dismissed, each party to pay his own or part of the costs, orders will be entered requiring them to be paid by the first day of the next term, which if not done, provided a copy of each order be served as other process twenty days before the first day of the next term, an attachment may issue to compel a compliance with the order.

8. The cases on the court docket will be called and tried in the order they stand unless for good cause shown a case may be passed over or continued or taken up as a delay case.

9. No judgment will be rendered until the jury fees are paid as required by the statute and if not paid before the adjournment of the court at the term at which the verdict may be found an order will be made and enforced as mentioned in the seventh rule of this court.

10. In chancery cases counsel will be required to furnish the court with an epitome of each case, the points and authorities they rely on with references to the evidence in support of the several points material to be examined and will also be required to write the decrees and submit them to the court for approval or correction.

11. When matters of accounts are referred to a master in chancery all exceptions to his report must be made at the time and entered with him in writing before they will be noticed by the court.

12. When leave is asked to plead it will be granted on the terms of filing an issuable plea, which application must be supported by an affidavit of merits or on the word of the attorney that in his opinion his client has a good legal defense for which he will be considered in good faith as pledging his honor to the court.

13. When parties or witnesses are directed to be called, the sheriff will call them once in the house and if they do not answer he, his deputy or a constable, will call them three times at the door without delay.

14. Where one attorney is addressing the court or jury the opposing counsel must be silent. In addressing the court the attorney will rise on his feet in his place and when he has conducted his address he will immediately resume his seat and remain silent until his opponent has closed his remarks. And when one attorney is speaking the rest must keep their seats.

15. No loud private talking will be allowed in court. The sheriff and constables are to see that this rule is obeyed.

16. In civil cases no attorney will be allowed to read law to the jury without the consent of the court first asked and obtained.

17. When the court is in consultation or delivering an opinion the gentlemen of the bar must keep silent.

18. While one attorney is examining a witness the opposing counsel will not be allowed to interrupt him by cross examining the witness, but will wait till he is told that the examination of the witness in chief is ended.

19. No gentleman of the bar or other person will be allowed to lie down in the court house during the sessions of the court.

20. All the officers of the court must be and remain in their proper places in the court during the time of their attendance.

CHAPTER VII.

Incidents and Anecdotes of Lawyers and Law Practice.

Before passing to another part of this work, some incidents of the period will be recounted in the hope that they will, to some extent at least, recall the life led by the attorneys of that day. These have been culled from a variety of sources, including court records, reminiscences by old lawyers, county histories and the newspapers of the times.

O. H. Smith relates the following story of a slander suit in which he was the plaintiff's attorney. It took place in Rush county, Indiana. He and George G. Dunn, of Lawrenceburg, were on their way home and stopped for the night at a small tavern near Blue river west of Rushville. As soon as the tavern keeper had put up their horses and made the lawyers comfortable by the log fire, he inquired rather anxiously if either of them was a lawyer. "Both," responded Smith with a young attorney's eager interest in a possible case. The tavern keeper then informed them that his neighbor tavern keeper down the road had basely slandered him in an attempt, as he took it, to ruin his hostelry. In answer to questions, the tavern keeper went on to say that his fellow had said that the speaker fed all his travelers on stolen pork. "Perhaps he was only in fun," suggested Mr. Dunn, the older lawyer. "No," was the assuring answer, "it was all done to get the custom down to his tavern." Smith was already examining the dog-eared pages of his "Espinasse's Nisi Prius" and his "Peak's Evidence." Dunn went on to ask if the landlord had ever killed anybody's hogs by accident or under circumstances that could give rise to suspicion. "Never," asserted the would-be litigant, "I never killed a hog in the woods in my life, and besides I can prove my character from a boy by Captain Bracken." Smith agreed to take the case for twenty dollars and one-half the damages. Court came on and the case was

called in order. "A rule for a plea," demanded Smith. "Plead instanter," answered James Rariden for the defendant. The answer, much to the surprise of Mr. Smith, was justification and a charge that the plaintiff had stolen two hogs. "It is all a lie," said the plaintiff. The first witness was a girl who had formerly worked for the plaintiff. Her testimony was that the plaintiff had, on a day named, killed two hogs in the woods, skinned them, cut off feet and head and brought them home before daylight on a sled; and had bragged that he could kill enough for his winter's meat. "What do you say to that?" asked Smith of his client. "Ask her what I said." "He said as how he had cut off the legs and head nobody could tell but what they wuz deer." The client seemed entirely satisfied with this. "Now," said he, "call Captain Bracken and he will give my character." In answer, the Captain said, "I have known him from a boy." "What is his character?" "Well, he always dealt fair enough with me." "You never heard anything against him for honesty?" "Well, I can't exactly say that; he stole a fine hog from me that I had killed and hung up in my smokehouse; I tracked him and found the hog next morning at his house and he paid me for it." The opposing attorneys received this, the last of the evidence, with a boisterous laugh. After the court had instructed the jurors that the evidence must be strong enough before they could find for the defendant, that if the plaintiff were on trial they would send him to the penitentiary, the jurors went upstairs and wrestled with the case all night. About daylight they hit upon a solution and returned a verdict of one cent and costs for the plaintiff. They had understood from the court's instructions that if they found for the defendant the plaintiff would have to go to the penitentiary, hence the strange verdict and the long consultation.

Another slander case. In one of the oldest communities of the Whitewater valley society had been thrown into two hostile factions by the slanderous statement of one woman that another had stolen a goose. All the women in the community were in the court house as witnesses and all the men had come to hear the lawyers and see fair play generally. There were a score of witnesses to prove character, though

nobody's character was ever questioned. There was a like number of witnesses to prove the spoken words, which nobody denied. The whole question hinged on the ownership of the goose. The plaintiff, represented by Governor David Wallace, Senator James Noble and General McKinney, proved that she owned and always had owned the goose in question from the time it bursted its shell. The defendant, represented by William R. Morris and Senator O. H. Smith, proved by an equal number of witnesses that she had raised and always owned the said goose. She had proved that as a young gosling it had a peculiar habit of wanting to play in the water. The case seemed on the "ridge." After noon the plaintiffs asked leave to introduce one more witness. She was a dignified old lady of seventy years. She testified that for sixty years she had been intimately acquainted with geese, knew the one in question well, and knew it belonged to the plaintiff. "Take the witness," said Mr. Wallace. Smith was suspicious and advised that no cross questions be asked. He was overruled, however, and Mr. Morris asked: "How do you know that this particular goose belonged to the plaintiff?" "Because she was white and paced. I owned her great-grandmother and she paced, and so did all of that breed." The answer was conclusive and determined the suit, in spite of a two-days' argument. Nor did it occur to the defendant or her lawyers that all geese paced. The verdict followed of one dollar and costs. But the social factions were not healed.

Keeping order in court was frequently no pleasant task. The pioneers were healthy and boisterous. Many were not overburdened with reverence for courts and lawyers.

Sanford C. Cox tells an interesting incident which illustrates the extremities as well as the resources of some of the early courts. A burly settler was arrested for whipping his wife. He had enough respect for the constable to promise to accompany him. But when about half way to the squire's office he reconsidered the case and decided that courts and lawyers had no moral right to interfere in his domestic affairs. He so informed the constable and refused to go farther. While they were parleying, a hunter appeared and was forthwith formed into a *posse comitatus*. They marched the cul-

prit off to the squire's office double quick. Before they arrived the witnesses had held a consultation and decided that it would not conduce to their personal pleasure to testify against the accused, so they had bolted. The squire had no way of detaining the accused. The hunter again came to the rescue, pried up the lock of a heavy worm fence, placed the prisoner's neck between the rails and so left him until the witnesses were again gathered up.

On one occasion Judge Bethuel F. Morris was trying a slander case. The attorney for the defense was hanging his case on the inability of the plaintiff to prove the identical words as charged. Several witnesses had testified that the defendant accused the plaintiff of stealing hogs, but they were unable to testify to the exact words. This, according to Espinasse, the authority of that time, was absolutely necessary. As the attorney was rather buoyantly arguing his case and, rising to a climax, had shouted, "Gentlemen of the jury, the court will tell you that the identical words must be proven and there is no evidence to prove that my client ever said the words charged," the old weazen-eyed plaintiff poked his head in the one window of the court room and drawled out, "Don't lie about it, Judge, I did say he stole my hogs and I'll never take it back." The attorney mopped the sweat from his face and slowly remarked, "Judge, I wish you would have my client put in jail; he has been drunk and crazy ever since this suit began." The Judge immediately ordered him jailed and he was kept there till his attorney had won the case.

On a similar occasion one of the parties kept interrupting the trial with his remarks. The Judge, at the suggestion of the attorneys, had ordered him to be quiet, but he soon forgot the order. Finally losing his patience, the Judge cried out, "Sheriff, take that man to jail and keep him there till ordered to release him." "There ain't no jail," responded the sheriff. "Then take him beyond the hearing of this court and bind him to a tree until this case is closed." The sheriff executed the order.

In the early days many horse thieves rendezvoused on the north bank of the Ohio, in what was then Clark county; when arrested, they usually evaded the law by means of a new trial,

setting aside the verdict of the jury, or otherwise. The Judge, an honest man, was applying the law honestly, but, feeling that public opinion was against him, he resigned. In his place was appointed Marston G. Clark, a cousin of the conqueror of Kaskaskia. He was unused to the law, but a man of good sense and integrity. The log jail was full of horse thieves. The penalty provided then by law was thirty-nine lashes on the bare back. The grand jury did its duty and the first case, against John Long, was called. The court ordered the sheriff to bring in the prisoner. "There he is," responded the officer, "I brought him along with me." The Judge then read the indictment charging him with stealing an Indian pony. Before the prisoner could answer, the attorney arose, saying: "May it please your honor we plead in abatement that it is a misnomer. His name is John H. Long." The Judge overruled the plea, saying he was well acquainted with the defendant and was satisfied they had the right man. "We then move to quash the indictment," said the attorney. "State your objections." "First, there is no value of the horse laid. Second, it is charged in the indictment to be a horse, when in reality he is a gelding." "I know an Indian pony is worth ten dollars," returned the Judge, "and I shall consider that a gelding is a horse. Motion is overruled." The trial proceeded to a verdict of thirty-nine lashes. Counsel then moved in arrest of judgment that it was not proved that the horse was stolen in Indiana. "That I consider a more serious objection. I will consider it till morning," ruled the court. "Sheriff, keep the prisoner safe and adjourn court." As soon as the crowd was gone, he turned to the sheriff. "Sheriff, at twelve o'clock tonight, you and your deputy take the prisoner into the woods, well beyond hearing, and give him thirty-nine lashes well laid on the bare back, put him in jail and bring him into court in the morning and say nothing to anyone." The order was obeyed and court convened in course. "I have been thinking of the motion in arrest and feel it best to grant a new trial." Long sprang to his feet. "Oh no, for Heaven's sake, I am almost whipped to death. I discharge my attorney and withdraw the motion." Judge: "Very well; clerk, enter

the verdict and mark it satisfied. Call the next." No more dilatory motions were made.

The following case from Howard county represents not only some peculiarities of early practice, but a kind of suit now rapidly disappearing. The plaintiff was asking damages of the defendant alleging that he had lost a number of sheep killed by the latter's dogs. John U. Pettit was on the bench. Murray and Lindsay represented the plaintiff and Henry A. Brouse represented the defendant. When the plaintiff's evidence was all in, the Judge turned to Brouse and asked if he had any evidence. "None," he replied. The client was astounded. "What, hain't you goin' to put in any evidence? Ain't that what I hired you for?" "Mr. Brouse," sternly ordered the Judge, "can't you keep that boisterous client of yours still?" Mr. Brouse shot a withering glance at his client, who retorted: "That's all right, Mr. Brouse, you needn't look cross-eyed at me. If you hain't a goin' to git in any evidence for this court, I'm goin' to quit. There's plenty of other lawyers in this town besides you." The court again commanded the attorney to keep his client still or he would fine both of them. "I'll try, sir," courteously responded the lawyer, as he whispered rather audibly to his client to keep still as he had the plaintiff beaten without any testimony. The plaintiff had failed, as was usual in these cases, to prove the damage done by the individual dogs.

As would naturally be expected, many ludicrous errors were made by the early lawyers in the use of legal terms and expressions borrowed from other languages. A well-known lawyer of central Indiana, defending a client accused of larceny, exclaimed, "I tell you, gentlemen, these are the same identical, *verbatim* boots that my client bought in Cambridge City."

A rather pompous lawyer was defending a client againt a criminal charge. Rising to the climax, he exclaimed, "Gentlemen of the jury, how can you in the light of the eighteenth and nineteenth centuries convict my client here? It would be preposterous to convict him when he has already proven an albino."

Some instances may be given to show how widely attorneys

traveled in the old days and as a result how widely their acquaintance reached. The first murder trial in Greene county was held in October, 1823, at the home of Martin Wines, in Burlington, one of the Associate Judges. Andrew Ferguson and Julius Dugger were defendants. Judge W. W. Wick, later of Indianapolis, presided. Addison Smith and Isaac Naylor prosecuted, Craven P. Hester and John Law defended. Hugh Ross, James Whitcomb, John F. Ross and Calvin P. Fletcher were other attorneys present. These attorneys represented fully half of the settled portion of the state.

One of the earliest trials remembered by the old settlers of Noble county was held at the village of Rochester in 1840. John W. Wright presided. The prosecutor was Lucian P. Ferry, of Ft. Wayne. The court had to furnish counsel for the prisoner, assigning Hon. Charles W. Ewing and Robert Breckenridge. The appeal of Mr. Ewing, known throughout the state for his legal ability and eloquence, was long remembered and the tradition of it still lingers. It will be noted that none of the attorneys in this famous case were residents of the county.

These same attorneys, Ewing and Breckenridge, of Ft. Wayne, figured in another famous trial before a Justice of the Peace in Noble county. In 1838 a posse of citizens pounced on the horse thieves then rendezvoused at Haw Patch, on the Fort Wayne-Goshen trace, and captured a dozen of them. They were threatened with lynching, but cooler counsels prevailed and all were taken by the enraged settlers before Squire Nelson Prentiss, at Stones' tavern, a few miles south of Ligonier. Here they were defended by Ewing and Breckenridge and prosecuted by an attorney from Piqua, Ohio. The trial lasted ten days and ended in all being bound over to court. Part were sent to Goshen and part to Fort Wayne. The former were released on a habeas corpus writ, the latter broke jail. The hand of justice was only delayed.

In the Harrison murder case of Logansport, February, 1838, Judge Charles W. Ewing, of Fort Wayne, presided. Thomas Johnson was the regular prosecutor for the Eighth circuit. The counsel assigned by the court to the defendant were W. Z. Stuart and Daniel D. Pratt, both members of the

Cass county bar. Judge Pratt had finished his studies under Calvin Fletcher in 1836 and had just located in Logansport. Mr. Stuart had been admitted February 20, 1837. Contrary to the rule, here was a case in which all the attorneys were local, but the obvious explanation is that neither party was able to employ an attorney. The accused was sentenced to hang and only escaped by timely suicide. It may be observed that at that time Calvin Fletcher, of Indianapolis; James Rariden, of Wayne county; Edward A. Hannegan, of Fountain; John B. Niles and others were regular attendants at the Cass county court which, on account of its proximity to the Treaty grounds, was a lucrative field.

One of the earliest contested cases on the Montgomery county docket was the State vs. Jesse Keyton for receiving stolen goods. Judge Jacob Call, of Vincennes, presided. Hon. John Law, then of Vincennes, but later of Evansville, prosecuted. Joseph Cox and Nathan Huntington defended.

At the trial of the Fall creek Indian murderers in Madison county in 1824, Judge W. W. Wick, of Indianapolis, presided. Gen. James Noble, of Brookville, and Philip Sweetzer, of Columbus, assisted Calvin Fletcher, of Indianapolis, in the prosecution; William R. Morris defended. In the trial of Sawyer, a short time later, Judge Miles C. Eggleston, of Brookville, presided. James Noble, Philip Sweetzer and O. H. Smith, of Connersville, prosecuted, while James Rariden, Lot Bloomfield, William R. Morris and Charles H. Test defended. These men, it will be noted, were gathered from the southeast quarter of the state. At the trial of Fuller, for the murder of Warren, in the Dearborn court, March, 1820, Miles C. Eggleston presided. Amos Lane and John Test prosecuted. John J. Caswell, Charles Dewey, Samuel Q. Richardson, John Lawrence and Merritt S. Craig defended.

In the murder case of State vs. Richard Cranmore, tried in Spencer county at the October term of court, 1834, Judge Samuel Hall, of Princeton, presided, John Pitcher, of Mt. Vernon, prosecuted, and J. R. E. Goodlet, of Evansville, defended, assisted by John A. Brackenridge, of Boonville, and elsewhere. The parties thus represented the "Pocket." In Perry county, at the November term, 1815, in a slander case,

Crist vs. Connor, Isaac Blackford, then of Vincennes, presiding, William Prince, of Princeton, was opposed to Davis Floyd, of Jeffersonville. Old Humphrey Marshall, of Kentucky, appears on this docket as a lawyer.

These few cases, selected from the different parts of the state, show, as no amount of mere statement could, how widely the lawyers of that day traveled. The leaders were known throughout the state, though, with one or two exceptions, it can hardly be said that those more learned in the law traveled so widely. Perhaps a score of men could be named who were especially noted for their itinerancy. Without attempting to make a full list, the following might be named: Davis Floyd, Charles Dewey, General W. Johnston, John Law, John Test, O. H. Smith, Calvin Fletcher, James Noble, Edward A. Hannegan, Charles H. Test, W. W. Wick, James Whitcomb, Charles Ewing, Miles C. Eggleston, James Rariden, Joseph A. Wright, Samuel C. Sample, John Pettit, David Wallace and Albert S. White. The list is not meant to be complete or exclusive, merely illustrative.

A band of them, usually a half score, frequently a score, in number, looked not unlike a detachment of rangers. Each carried large saddlebags, containing his library on one side and his commissariat on the other. A large, heavy blanket, tightly rolled, was tied on the back of the saddle. A heavy overcoat, used to keep out the cold and rain or, as a coverlet, if need be, was either worn or carried; most of them wore high beaver hats, in various stages of dilapidation—a more uncomfortable or inconvenient article to a horseback rider, especially along a narrow trail, could not be invented.

They usually traveled single file along the narrow trails. Their horses were in many cases as well trained as those of cavalry. Without much guidance by the riders, they picked out the most available paths, dodging mud, rocks, brush and other obstacles. The chief difficulty was that in choosing good footing the horses, frequently Indian ponies, had no regard for the overhanging boughs, which seemed to have a penchant for knocking off the tall beaver hats. Rivers and swollen streams were merely inconveniences. The horses were trained to swim them and, so far as the writer has noticed, no fatal

accident happened to Indiana circuit riders on this account. There were no bridges till about 1830. All streams in the state were crossed readily by swimming except the Wabash and main White river. These were crossed by ferry, though the horses usually swam beside the canoe which carried the master.

Very little camping out was done by the circuit riders of Indiana. By the time a county was ready for a Circuit court there were enough settlers on the ground to take care of the Judge and lawyers. This remark does not apply to jurors and witnesses, however, who often, if not usually, camped near the court house. Indiana has always been plentifully supplied with taverns, so far as number was considered. The lawyers were always welcomed by the tavern keeper because they rarely complained. Being used to rough fare, they took what was offered them, which was always the best to be had, paid for it without murmur and went their way.

They were a jolly crowd, without being rough. Occasionally a game of poker was indulged in and not infrequently a good-natured "rough house" was pulled off, but the usual custom was to pass the time in social, especially political, conversation, where wit and humor were the large factors. Innocent jokes were often perpetrated. When time came to retire, if there was nothing better, the lawyers spread their blankets and cloaks on the floor and, with their feet to the fire, lay down at least to sound sleep if not to pleasant dreams. They joined with full-grown appetites in devastating the corn bread, roasting ears, pork, squirrel, venison or whatever came on the table. Nothing pleased a tavern keeper or his wife so much as to see "real folks" eat the homely victuals appreciatively; the more they ate the more welcome the next time. "Bub" and "Sis" were not neglected. The lawyers always found a penny for them in exchange for little chores such as cleaning and oiling boots, currying horses, an extra cup of tea or coffee; so that even these looked joyfully forward to the time when the "big lawyers" again passed that way.

The following incidents of O. H. Smith will perhaps strengthen these impressions of travel on the circuit. The first refers to his trip to Fall creek in 1825. "The court was

to meet the next Monday. On Thursday morning I mounted 'Gray Fox' (at Connersville). The only traveled route between Connersville and the falls of Fall creek was by way of Indianapolis, then a small village in the woods. I arrived at the Capital on Saturday night and early next morning started alone on the path to Fall creek, on the east side. The main track lay on the west side; but the water was high and muddy and I thought it safest to go up on the east side without crossing. There were no bridges over any of the streams in that day.

"The day was dark and drizzling. My path ended some ten miles above Indianapolis in a thicket. I could get no farther in that direction. Turning the head of 'Fox' west, the creek, with its muddy waters and rapid currents overflowing the opposite bottoms, was soon in sight. I had twenty miles to ride and no time to be lost. Giving 'Fox' the rein, he approached the bank, and, without a moment's hesitation, with a quick step, he plunged in and swam beautifully across the main channel, but the moment he struck the overflowed bottom on the opposite side—the water about four feet deep—he began to sink and plunge. The girth broke. I seized the stirrup leather to which my saddle bags were fastened, with one hand and the long mane of 'Fox' with the other, disengaged my feet in a moment and was gallantly dragged through the mud and water to the dry land. My hat was gone, but it was too early for mosquitoes and it made little difference, hat or no hat, so I got to court. All matters were soon adjusted. 'Fox' bounded on as light as a reindeer, and before dark I was in lively conversation with the other lawyers, before the large log fire at the hotel of Mr. Long."

The following story (again quoting O. H. Smith) is given at length in accordance with the legal principle that where the best evidence can be had no other will be accepted:

"The fall term of the Circuit court (1825) found Judge Eggleston and myself, well-mounted, once more on the circuit; the Judge upon his pacing pony, the same which I later rode through a congressional electioneering campaign, and I on my gray 'Fox.' We were joined at Centerville by James Rariden, mounted on 'Old Gray,' one of the finest animals I have ever

seen. Our court was to be held on the next Monday at Fort Wayne. We reached Winchester late in the evening and took lodging at the hotel of Paul W. Way.

"After an early breakfast, we were once more on our horses with one hundred miles through the wilderness before us. There were two Indian paths that led to Fort Wayne, the one by Chief Francis Godfrey's on the Salamonie; the other in a more easterly direction, crossing the Mississinewa higher up and striking the 'Quaker Trace' from Richmond to Fort Wayne, south of the headwaters of the Wabash river. After a moment's consultation, Mr. Rariden, who was our guide, turned the head of 'Old Gray' to the eastern path and off we started at a brisk traveling gait in high spirits. The day passed away; it was very hot and there was no water to be had for ourselves or horses. About one o'clock we came to the Wabash river, nearly dried up; but thence was grass on the banks for our horses and we dismounted, took off the saddles, saddlebags and blankets, when the question arose, should we hold the horses while they grazed, tie them to bushes, spancel them, or turn them loose? We agreed that the latter was best for the horses and easiest for us. The bridles were taken off and the horses turned loose to graze. A moment later 'Old Gray' stuck up his head, turned to the path we had just come, and bounded off at full gallop, swarming with flies, followed by the pacing pony of the Judge at his highest speed. 'Fox' lingered behind, but soon became infected with the bad example of his associates, and away they all went, leaving us sitting under the shade of a tree that stood for years on the banks of the Wabash. Our horses were taken up a week later at Fort Defiance, Ohio, and brought to us at Winchester on our return.

"It took us but a moment to decide what to do. Ten miles would take us to Thompson's on Townsend Prairie. Our saddles and blankets were hung up above the reach of wolves. Each took his saddlebags on his back, and we started at a quick step, Rariden in the lead, Judge Eggleston in the center and I brought up the rear. The heat was intense. None of us had been used to walking. I am satisfied we must all have broken down, but most fortunately there had fallen the night

before a slight rain, and the water lay in the shade in the horse tracks. We were soon on our knees with our mouths to the water. Near night we reached the prairie, worn down with heat and fatigue. The thunders were roaring and the lightnings flashing from the black clouds in the west. A storm was coming up on the wings of a hurricane, and in ten minutes after we arrived at Mr. Thompson's it broke upon us and continued raining in torrents during the night. We were in a low, one-story log cabin, about twenty feet square, no floor above, with a clapboard roof. Supper, to us dinner, was soon ready. Three articles of diet were on the plain walnut table, corn dodgers, boiled squirrels and sassafras tea. To us it was sumptuous and thankfully received; supper soon over, we turned in and such a night of sweet sleep I never had before nor since.

"The next morning our saddles and blankets were brought to us from the Wabash. The landlord provided us with ponies and we set forward at full speed, arriving at Fort Wayne that night and taking lodgings at the hotel of William N. Hood. Court adjourned early the next day and we all went up the St. Mary to Chief Richardville's to see an Indian horse race."

In 1827 it took Senator James Noble and Congressman O. H. Smith eighteen days to travel from Brookville to Washington City. In May, 1833, Hugh McCullough, then a lawyer, made a trip from Madison to Indianapolis in two full days in a stage coach. Judge Banta said it was a hard day's ride to the capital from Greenfield, Shelbyville, Franklin or Martinsville. Aquilla Jones rode from Columbus to Indianapolis in two days. Meridian street he found swampy and knee-deep in mud. McCullough says it took three or four days of hard riding to get to Indianapolis from the out counties. Reverend Manford, a Universalist preacher, rode from Cincinnati to Chicago at the time in two weeks. He found the Kankakee country dry. Had it been wet he probably would have spent another week. Dr. W. C. Foster, of Bloomington, in 1850, thought the time would come when a man could leave his home in any part of the state on Monday morning and get to the capital by Thursday. McCullough says there were two bridges in Indiana in 1833.

Judge Wick has left the following story. He was coming from Columbus to Franklin on the Berry trace. It was September and he was coming on ahead of the lawyers to open court at Franklin. Night and a drizzling rain overtook him on the banks of Burkhart creek. William Burkhart's cabin was the last till he reached Franklin. The way from Burkhart's on was a "blind trail," the merest bridle path through the swampy forest. He called at the cabin and was informed by Burkhart that his wife was gone and that he had nothing for his horse except pumpkins or for himself but venison. However, he received a hearty invitation to stay and enjoy such accommodations as were available. The judge says he stayed, dried his clothing and spent a most pleasant and comfortable night with the pioneer.

The lawyers were not lacking for amusement to while away the long rides over the dreary roads or the still longer evenings at the crowded hostelries. While the horses were jogging along in the mud, the men made stump speeches, held debates, moot court, preached sermons, or told stories. Many of them earned lasting reputations. Harvey Gregg, who had been educated for theology, was able, according to tradition, to preach an acceptable sermon from every sectarian standpoint then known in the West. He excelled in imitating Baptists and campmeeting Methodists, though it is said he could successfully imitate any preacher he had ever heard.

On one occasion this same Harvey Gregg, in company with Judge Wick and Philip Sweetzer, was traveling the trace from Columbus to Franklin. They left Columbus late in the afternoon and made slow progress along the muddy roads. Near where the village of Amity stands a 'possum was discovered in the highway. One of the lawyers gave chase, captured, and returned "Brer Possum" to the middle of the road. While the horses rested, he was placed on trial for "trespassing on the public highway." Wick presided, Gregg prosecuted, and Sweetzer defended. After long arguments to an imaginary jury, the judge announced a finding for malicious trespass and pronounced verdict for thirty-nine lashes. After

an hour of amusement, the lawyers continued their journey, arriving at Franklin about daylight.

One autumn in the forties Judge Wick, Calvin Fletcher and Hiram Brown started from Indianapolis to Franklin to hold court. At Greenwood, while they stopped for refreshments, Brown engaged in some business and was left behind, following, however, an hour later. Brown himself was an insatiable joker and Fletcher was even more notorious. A few miles out of Greenwood, Wick and Fletcher met a man. They described Brown carefully and requested the stranger to tell him that he need come no further, as the tarbucket had been found. A few miles further on they met a second, and still further on, a third, a fourth and so on till they got to Franklin. To each one they described Brown and made the same earnest request. Brown heard the first two or three travelers with some patience, but long before he arrived at Franklin he was furious. Fletcher managed to avoid him till the following morning, when he was so far subsided that he did not want to fight, but took out his vengeance in a tongue lashing which all enjoyed—none more than Fletcher.

Not only on the trail, but also at the tavern, was there ample evidence of the good humor of the old-time lawyers. We are told that Lincoln was a leader in the good-natured banter of those times and places. They took the world as it came, usually meeting the hardships with a smile and the pleasant things with hearty appreciation. There is no use trying to disguise the fact that some of this by-play was not consonant with the highest morality; but it seems to be true that the great majority of first-class lawyers and judges were men of unquestioned personal morality as well as integrity. On some of the circuits there was considerable gambling and drinking. These were the only excesses worth noting indulged in by the lawyers. On some circuits it was the regular thing to gather in the judge's room after supper and play cards, usually merely for "snorts and smells." The games were generally "seven-up" and "euchre" and the parties winning took a "snort" out of the bottle and the losers merely "smelt". It must always be kept in mind that a strong man, such as those who rode the circuit, during a day's ride and at the tavern

at night might drink a quart of corn whiskey and not get "drunk", not even enough to have a headache next morning. The gambling on the Indiana circuits was never such as we read about at this time in the South, especially in the Blue Grass country of Kentucky. There can be no question that such judges as Embree, Huntington, Eggleston, Sample, Porter and their class stood for high personal as well as public morality; such lawyers as Marshall, Whitcomb, Smith, Niles, Law, and their class were not criminal in their habits; yet, as said above, they often indulged in amusements at the taverns that would hardly be in order at present.

Simon Yandes tells of an incident in a Boone county tavern when that county was young. The tavern was full, twice full. It was decided to use the beds in relays. The farmers who wanted to be on the road early went to bed early and were to vacate at two o'clock next morning for the lawyers. During the first few hours the lawyers were quite busy talking with their clients and of their cases in court, but by midnight time was hanging heavy. It was decided then that Daniel Wick, brother of the judge and the son of a Presbyterian minister, should preach a sermon from the text "God Made Great Whales". It was the boast of every lawyer that he could make a good address on any subject. Lawyer Wick accordingly settled down in a two-hour sermon to show that while God did make a few whales, every man supposed that he was one of them. He used the men present as examples and ended up by showing that even the hotel keeper, a little scrawny man named Fish, had concluded that he was a whale himself when in reality he was a very small "Fish". Mr. Yandes said no one got sleepy while the sermon continued.

Nobody was spared and no one was made a butt in their good-natured banter. Mr. Yandes is authority for a joke played on James Rariden in his palmy days. The lawyers were gathered around the big log fire in a double log tavern. Rariden came in late. While at supper it was agreed all around that no one was to notice his repartee, in which he had scarcely a competitor. And it may be added no one was more universally liked. There were perhaps half a dozen lawyers and three times as many of their local friends who

always dropped in to hear the news. In due time Rariden returned and began his usual line of remarks, urged on especially by David Kilgore and Charles Test. The lawyers and others paid no attenton to the sallies of Rariden, but applauded every crack at him. He stood it a while, but at last became crabbed, jumped up, pronounced all of them a pack of fools and went off to bed. Next morning he was let in on the joke.

About this time a party of Fifth circuit lawyers put up with Capt. John Berry at Andersontown. Among them was James Whitcomb, first Democratic governor of Indiana. Whitcomb was from the East and somewhat scrupulous about his clothing and personal neatness. He shaved every morning, and usually put on a clean shirt every morning. What was infinitely more, he slept in a night shirt. Captain Berry was very proud of his hostelry and resented any criticism or even aspersions. Calvin Fletcher, always on the alert for fun, saw great possibilities of fun in the situation. He told Captain Berry, strictly aside, that Mr. Whitcomb had intimated that he had to bring along a dirty shirt to sleep in while staying with the Captain so that his clothes would not be soiled. Mr. Fletcher said he had only heard this and did not believe it was so, but that the Captain could easily tell by observing Mr. Whitcomb that night, when he retired. Accordingly the Captain took his place at the keyhole at the proper time, and went into a rage when he saw the future governor dig a night shirt out of his saddlebags and proceed to put it on. The Captain sprang into the room, seized Whitcomb, threw him on the bed, and was only prevented from doing him physical harm by the perpetrators of the joke rushing in. Explanations followed between Whitcomb and Berry and the peace was soon re-established. Long after, Fletcher told Whitcomb the cause of the mysterious fury of the host.

On another occasion, in 1823, Whitcomb and O. H. Smith set out from Indianapolis for the Whitewater, the former on his way to Ohio and the latter on his way home. Night overtook them in Henry county and they drew up after dark at a little cabin where a pioneer named Amos Dille lived, near the present site of Knightstown. Dille was playing on a fiddle

and when he came out laid it on the bed. The host took the horses, and the guests sat down by the fire, removed their muddy boots, and made themselves comfortable. Whitcomb was an excellent performer on the violin. As soon as he had adjusted himself to the place he picked up the violin, put it in proper tune and when Dille returned was playing such music as had never been heard in that cabin before. Dille sat enraptured as Whitcomb played tune after tune. At last when Whitcomb ceased he sprang up and cried, "If I had fifty dollars I would give it all for that fiddle. I never heard such music as that before." Whitcomb laid it back on the bed, from which Dille picked it up, carefully carried it to the fire turned it over and over, eyeing it carefully. Finally he observed, "Mister, I never saw two fiddles so much alike as yours and mine."

As stated before, there was usually more or less jealousy or distrust of the better lawyers by the Justices and Associate Judges. This occasionally cropped out in trials, to the merriment or disgust of the lawyers. A case has been already instanced in which Dewey and Moore were arguing a demurrer. Judge John Morris relates another which took place in Auburn in 1844, soon after that town had been founded. It consisted at the time of perhaps a dozen log houses. Judge Borden had held Circuit court and disposed of the main cases on the docket. It being necessary for him to leave, he entrusted the trial of a slander case to the lawyers of the circuit. Ex-Governor Bigger, David H. Colerick, William H. Combs, Robert Brackenridge, of Fort Wayne, John B. Howe, of Lima, the early county seat of Lagrange county, Robert L. Douglass, of Angola, and Morris, of Auburn, all took part in the case or remained at least to hear the trial. The case was simple. The plaintiff proved the exact spoken words, which consisted of accusing the plaintiff of stealing a calf, and rested. The defense also rested. Howe addressed the jury briefly, stating the measure of damages. Colerick spoke for the defense, explaining in general terms what character consisted of and that it was impossible for real character to be injured by the mere remarks of anyone, if the person himself really had any character. He made a very graceful plea. Combs fol-

lowed, confining himself to the proposition that a real man never would go into court to vindicate his character, a proposition that was particularly truthful along the frontier. Howe closed briefly, handing the judge a charge almost peremptory, which he read to the jury. The jury was only out a few minutes and returned a verdict for the defendant. Howe was furious and demanded that the verdict be set aside instanter. Colerick, in his cool, deliberate manner, observed that Howe was ordinarily a far more honest man, and that he was painfully surprised when he saw him thus attempting to override the constitution. "I hold in my hand," he said, "a copy of the constitution, which guarantees to every man a jury trial. You can imagine my surprise when I heard Mr. Howe ask this court to lay its ruthless hand on the constitution and attempt to trample the sacred instrument beneath their feet. If Mr. Howe had known this court as I know it, especially if he knew one of its judges as I know him, he could not have commanded the audacity to make this motion. The constitution of Indiana says the right of trial by jury shall forever remain inviolate. Will you respect the constitution or will you trample it in the dust? You will preserve it!" "May it please your honor—" shouted Howe. "Sit down, Mr. Howe," shouted Judge Walden. "But—" said Mr. Howe. "Sit down, I tell you, we will not hear you, we can not and will not." Mr. Howe, thoroughly crestfallen, bowed contemptuously and put on his hat as he started for the door. As he reached the door the judge, in a voice that could be heard throughout the village, thus admonished him: "The court advises you to go home and read Henry Clay on the Constitution." The judge was a great admirer of the Kentucky statesman and Attorney Colerick, knowing this, had ingeniously taken advantage of it.

Mention has been made of the hardships of the circuit. The following reminiscent sketch of himself by Judge Wick, in 1848, will help to fill in the picture. He was the first judge in the New Purchase and none knew court life better than he. "At the present writing Mr. Wick is fifty-two years of age, fair, a little fat, having increased from one hundred and forty-six pounds in 1833 to two hundred and ten pounds—six feet and one inch high, good complexion, portly—has been called

the best looking man about town—but that was ten years ago —not to be sneezed at now—a little gray—has had chills and fever, bilious attacks and dyspepsia enough to kill a dozen common men, and has passed through misfortunes enough to humble a score of ordinary specimens of human nature. He acquired a good deal of miscellaneous knowledge, loves fun, looks serious, rises early, works much, and has a decided penchant for light diet, humor, reading, business, the drama, a fine horse, his gun, and the woods. Wick owes nothing, and were he to die today, his estate would inventory eight hundred dollars or nine hundred dollars. He saves nothing of his per diem or mileage and yet has no vices to run away with his money. He 'takes no thought of tomorrow,' but relies on the good Providence to whom he is debtor for all. Wick would advise young men to fear and trust God, to cheat rogues and deceive intriguers by being perfectly honest (this mode misleads such cattle effectually), to touch the glass lightly, to eschew security and debt, tobacco, hypocrisy and federalism, to rather believe and fall in with new philosophical and moral humbugs and to love woman too well to injure her. They will thus be happy now and will secure serenity at fifty-two years of age and thence onward."

W. P. Fishback relates the following story of the same judge. An old case at equity had stood on the docket for several years, to the great annoyance of the presiding Judge, who dreaded to tackle it. Counsel persuaded the latter to appoint Mr. Wick a special Judge on the case. The tedious argument consumed a whole day. The following morning Judge Wick appeared with the bulky papers in the case neatly tied up in the proverbial tape. Calling the attorneys up, he proceeded as follows: "Well, gentlemen, this case has bothered me a good deal. I went home last night and sat by the fire an hour or two and thought it all over, but couldn't make up my mind. I then went across the street to Henry's bowling alley and after a glass of beer rolled a game of nine pins, and went home and went to bed. After a good night's sleep my mind cleared up and I think now I understand this case—at any rate, I will give you the best guess I can on it."

The same Judge, with his retinue of lawyers, was on his

way from Greensburg to Shelbyville in the early twenties. No road had yet been cut between the places. They had started from Greensburg after breakfast and had traveled hard all day by the bridle path through the woods, a drizzling rain falling throughout the day. At the forks of the path, one leading to Shelbyville and one to Brookville, the Judge, who was leading the cavalcade, drew rein before a little cottage. Upon the gatepost hung a rough board with the single word, "Whiskey," written on it with chalk. A loud halloo by the Judge brought the woman of the cabin to the door. "Have you got any whiskey?" asked the Judge. "Plenty of it; but we can't sell it by the small. Do you want a gallon?" "A gallon. I don't want a gallon. Bring me a tincup full and some sugar." "Can't do it. We'd be prosecuted." "Fetch it out," ordered the Judge. "I am presiding Judge of this district and here is the prosecutor, who can quash any indictment that can be written in this neighborhood." The old lady brought out the liquor and the sugar, the tanks were all filled and the party headed for Shelbyville.

But there were solemn occasions as well as merry on the circuit. Death from exposure and the hard life took a heavy toll from the ranks of the lawyers. The trials at law were not all of the amusing kind. The lawyer as well as the preacher and physician is accustomed to people in trouble. The anxiety of the client cannot help but reach to some extent the attorney. This is especially the case in prosecutions for felonies. No criminal is so poor but leaves some one in sorrow when he is taken to the prison or scaffold. If he has no friend his very loneliness itself appeals to the lawyers.

At the March (1820) term of the Dearborn Circuit court, there came up the famous Fuller case for trial. Judge Cotton, who was acquainted with all the parties, has left a long account of the case in poetry. Nearly all Hoosiers sixty years old have heard the old ballad of "Fuller and Warren". Both were highly respectable young men of good education and brilliant prospects. They were suitors of the same young woman. Warren was preferred, and Fuller, the elder of the men, seemed unable to reconcile himself to his loss. He procured pistols, sought out Warren, demanded that he take one of the

pistols and defend himself. When Warren refused to do this, Fuller shot him dead. The case was called; the prisoner was in the box, dressed in black broadcloth with a white vest. Amos Lane and John Test, both congressmen, appeared for the state. Daniel J. Caswell, Charles Dewey, of Clark, Samuel Q. Richardson, John Lawrence and Merritt Craig, of Ripley, defended the prisoner. Nothing was left undone on either side that legal talent of the state could do. All the lawyers were of the dignified, sober, serious class. The judge, Miles C. Eggleston, was trained in Virginia and somewhat aristocratic, but firm, fair and kindly. The whole community was horrified by the murder and by the doom impending over the murderer. The powerful pleas of the attorneys ranged between the invective of the camp-meeting preacher, explaining the judgments of God, and the spirit-crushing funeral address. The instructions of the Judge fell like the pronouncements of a fatal oracle. The verdict of guilty followed. The day of execution was placed far enough in the future to give the Supreme court a chance to review the case. The sympathy of every one went to the convicted man. All looked to the Supreme court for relief, but none was given. Then all turned to the governor for a pardon. Everybody signed a petition. The governor refused to condone the crime. The guilty man was given every opportunity to break jail, but he made no effort. At last, in the presence of the whole community, the prisoner was executed. All felt that justice had been done, but all were sorry it had to be done.

In the early days of Fayette county there lived near Connersville a surgeon and physician of wide acquaintance. For some reason not disclosed by the record, he had incurred the ill will of several young men of the neighborhood. These youngsters, between the ages of sixteen and twenty, determined to ride the doctor on a rail and then duck him. No serious harm was meditated by any of them. The doctor, however, was averse to the fun and provided himself with weapons of defense, among them a long dagger-like knife used in surgery. On the appointed night the boys approached, tried the door, found it locked, and lifted it from its hinges with a crow bar brought for the purpose. The doctor, a man

of powerful build, sat coolly on the side of his bed in the dark room, knife in hand. As the first young man came in reach of him he stabbed him. The young man fell without a murmur. The second one was stabbed to the heart, but groaned sufficiently to warn the others, who succeeded in escaping. The trial came on. The doctor told a straightforward story, as bloody as the deed itself. The dead men, or rather boys, belonged to two of the best families in the county. The courtroom was packed, but no one sympathized with the doctor. Gen. John T. McKinney, of Brookville, defended him in an able argument, but it seemed to make no impression on audience or jury. The prosecutor painted the crime in all its dark hideousness. The jury as well as the audience seemed bent on a victim. The judge, however, laid down the law of self-defense in his charge to the jury, the jury promptly acquitted the prisoner and averted what threatened to be a legal murder. No greater praise can be given that community than to say that it quietly accepted the verdict of the court as just, though it had ardently hoped for a victim. In the first case the entire community sympathized with the guilty murderer, yet nevertheless it carried out the undoubted demands of justice. In the latter case the community was equally united against the accused, yet, in spite of this, he was given the right of every man and the verdict of an honest court respected. There are no more solemn moments in the history of a state than these when the popular passion is made by the people themselves to give way to their deeper respect for law and order. Such communities rarely have cause to be ashamed of themselves. In the building up of this sentiment, on which popular government must ultimately rest, if it finds a resting place, the courts and lawyers are and have been the chief instrument.

Every county has its traditions of murder trials which profoundly stirred the people. Though the passions on such occasions rise to tempestuous heights, they seldom last so long as the petty ranklings that survive a slander or trespass case. In the early twenties Hugh Monroe killed his neighbor at a shooting match. The circumstances were singular. The victim was fixing his board preparatory to shooting; Monroe

was lying down sighting his gun. It went off and the man with the board dropped dead. They had previously quarrelled, but no one could say whether or not the shooting was accidental. Young Monroe had but just come to the neighborhood from North Carolina. The grief-stricken father tried to hire a lawyer from Carolina, but could not and had to trust the defense to strangers. James Whitcomb was the prosecutor, opposed by Charles Test, James Rariden, James T. Brown and O. H. Smith. No better array of lawyers could have been picked for the case. The distress of the father engaged the sympathy of everyone, while the dogged silence of the defendant threw the sympathy to the deceased. No one who has not heard the artful jury lawyers speak can form any idea of the nerve-wracking ordeal to which the community was exposed as it listened two whole days to the arguments of these attorneys. So eloquent was young Whitcomb that a verdict for sixteen years of servitude was rendered and the father was thankful that it was so light. Governor Ray soon pardoned him and he returned to his native state.

The following case is given more to show the character of some of the crimes of the time than to rehearse details of horror. Isaac Heller, a Pennsylvania Dutchman, lived about one mile from Liberty. On February 27, 1836, he killed his wife and three small children with an ax. The circumstances were most atrocious and bloodthirsty, not to say brutal. The murderer fled, was overtaken, captured without difficulty and coolly admitted his guilt, giving all the harrowing details. The trial came on at the March term of the Union Circuit court. Governor Samuel Bigger was the Judge. William J. Brown, later a congressman from the Fifth district, and James Perry represented the state, while Martin M. Ray and Samuel W. Parker, the former of Shelbyville and the latter of Connersville, later congressman from the Fourth and Fifth districts, defended.

The defense set up the plea of insanity but, although Parker, in relating the case years afterward, said it was as good as any address he ever made to a jury, and he was one of the best speakers in the state, the jury nor the people took any interest in the plea. It has generally been conceded among

lawyers who have studied the case that Heller was unaccountable. However, he was found guilty and hanged at Liberty, April 29, 1836. Time has changed the efficacy of the insanity plea in the criminal practice. A modern Judge and jury would doubtless have sent Heller to the insane asylum, much to the disgust of the community, while the old-time court and jury hung him and perhaps all afterward regretted it.

One more case, a civil case at the close of the period, must suffice for these illustrations. In the late forties a company was organized, composed mostly of Vincennes men, to improve the navigation of the Wabash below that city. Their intention was to construct a dam and lock at the rapids. For this purpose the company entered into a contract with the Culbertson Brothers, of Pennsylvania, to do the work. The contract was rather peculiar. The engineer was given power to declare the contract at an end if in his judgment the contractors were not pushing the work with due diligence. High water interferred, sickness interrupted, carrying off one of the contractors and bringing the other down with fever. All the hands had ague and consequent fever so that work could hardly be prosecuted. At the insistence of the president and directors of the company, the engineer declared the contract forfeited. Culbertson refused possession, but he was arrested and while in custody the company took charge of the works, tools and materials.

Culbertson at once filed suit against the company for damages (*assumpsit* on the contract). The suit was laid in the United States Circuit court for Indiana. Judge Elisha M. Huntington, of Terre Haute, presided; Joseph G. Marshall, of Madison, and Randall Crawford, of New Albany, brought the suit and Samuel Judah, of Vincennes and Jeremiah Sullivan, of Madison, defended. Abner T. Ellis, president of the company and a lawyer of Vincennes, also assisted in the defense. The case was considered very difficult and the parties intended to have the best counsel in the state. From our distance it would be hard to prove that Judah, Sullivan, Marshall and Randall Crawford were not four as good lawyers as could be found in Indiana at that time. The case was fought step by step for a week. Huntington ruled that the plaintiff could only

recover for work done and not for the value of the contract. The verdict was for the plaintiff in the sum of nine thousand nine hundred and eighty-five dollars with four hundred and eighty-two dollars costs. The case was taken to the United States Supreme court, Judah appearing personally, while the defendant, Culbertson, was represented by a written argument made by O. H. Smith. The lower court was sustained by an equally divided Supreme court. The following year, 1850, the case was renewed. This time Culbertson had O. H. Smith bring suit against the individuals of the company and the engineer for declaring the contract forfeit without sufficient reason. The action was in tort. The books furnished no precedent for such an action. Its nearest parallel was in conspiracy, but the difference was that in the tortious action one defendant could be held and the other acquitted, while in conspiracy two or more had to be found guilty. The case was soon brought to issue. Joseph L. Jernegan, of South Bend, assisted Smith, while Randall Crawford crossed over and assisted Judah. A heavy verdict for the plaintiff followed, but was set aside and a new trial ordered by the Judges, McLean sitting with Huntington. At the next term it was tried again, Judge Leavitt, of the Ohio district, taking the place of Huntington, who was sick. David Kilgore took the place of Jernegan, who had moved west, and John J. Crittenden, then the most eminent attorney in Kentucky, assisted in the defense. It was a battle of old warriors. Judah had commenced his practice while the capital was still at Corydon. His reputation was national. In the United States Supreme court he was no stranger. He had added to a college education the fruits of a long life of study. Randall Crawford, unlike all the others, was not gray, for he hadn't a hair on his head or face except a wig. His tall, bony form, pale as a ghost, his wide scholarship and legal acumen were known throughout the state. He was held without an equal in his circuit, unless, perchance, it was Charles Dewey. Kilgore and Smith, both from the Whitewater circuit, trained as young men under Judge Miles C. Eggleston, had both served in Congress, one in the Senate, the other in the House, familiar to the courts of Indiana for the last thirty years, now fighting together to sustain their reputation and that of the bar of the

State, had the sympathy and admiration of their friends and neighbors who turned out to hear the wordy battle. Last and most attractive to the citizens of Indianapolis was the eloquent Kentuckian, now tottering toward the sunset, gray and feeble. A verdict of seven hundred and fifty dollars for the defendant closed the long contest.

The following extract preserved from the peroration of a trial lawyer of Williamsport illustrates very well a class of sentimental appeal common and powerful at the time.

"Oh, gentlemen, don't find a verdict against these plaintiffs, but decide this case so that your children will be proud of you, and that you may look back in after life to this day with satisfaction; and when the shades of night are gathering round you, when the film of death is sealing up your eyelids, when your frail mortal bodies are burning with fever, when you pass from Time to Eternity, when the little angel Murphy will hover around you [Murphy was the plaintiff] and seat you on a cool cloud, and thence convey you to the realms of eternal bliss, and on their way gently fan you with their ambrosial wings, where all tears will be wiped from your eyes, and you will never repent of giving such a verdict."

Murphy was given a verdict.

CHAPTER VIII.

The Supreme Court, 1816-1853.

MEMBERS.

John Johnson, December 28, 1816, to September 10, 1817.
James Scott, December 28, 1816, to December 28, 1830.
Jesse L. Holman, December 28, 1816, to December 28, 1830.
Isaac Blackford, September 10, 1817, to January 3, 1853.
Stephen C. Stevens, January 28, 1831, to May 30, 1836.
John T. McKinney, January 28, 1831, to May 29, 1837.
Charles Dewey, May 30, 1836, to January 29, 1847.
Jeremiah Sullivan, May 29, 1837, to January 21, 1846.
Samuel E. Perkins, January 21, 1846, to January 3, 1853.
Thomas L. Smith, January 29, 1847, to January 3, 1853.

This has been designated the Old Supreme court, in distinction from the Territorial Supreme court, which was a Federal court, and the New Supreme court, which took its place January 3, 1853. It lasted from December 28, 1816, to January 3, 1853, a period of thirty-seven years. Only one member of the old court was elected to the new court—Samuel E. Perkins. Isaac Blackford served throughout the life of the old court except its first session, during which no decisions were handed down. The chief opinions are published in Blackford's Reports.

The territorial bar of Indiana was well satisfied on one feature of the Supreme court. The territorial lawyers had had enough of a court which was both *nisi prius* and appellate. They were prepared to go beyond either the United States Constitution or the constitution of any state in this matter. In the former case a limited field was set off in which the Supreme court of the United States had original jurisdiction. In the Constitution of 1792 the Supreme court of Kentucky was given

original and exclusive jurisdiction over cases arising out of land titles. This provision was a direct result of the universal uncertainty over land titles in that state. It was omitted in the Constitution of 1799, which made the Kentucky Supreme court practically a court of appeals only, with the significant reservation, however, that the Legislature might confer original jurisdiction in certain cases.

In the Constitution of 1802 of Ohio the Supreme court was left almost entirely at the mercy of the Legislature. It was given original and appellate jurisdiction in Common Law and chancery in such cases as the Legislature might specify. This applied to both criminal and civil jurisdiction. It was further specified that the Supreme court should hold at least one session annually in each county. This Constitution retained the very features that had proved so obnoxious in territorial Indiana.

As stated in another chapter, the Judiciary committee of the Indiana Constitutional Convention was composed of James Scott, of Clark county; John Johnson, of Knox; James Dill, of Dearborn; Samuel Milroy, of Washington; James Noble, of Franklin; William Cotton, of Switzerland, and William Lowe, of Washington. All these men were lawyers but Milroy, and he may have been. Benjamin Parke, of Knox, arrived on the fourth day of the convention and was placed on the Judiciary committee. He seems to have completely changed the attitude of the committee. It had been previously dominated by Scott and Johnson, but from the 14th on it seems to have been dominated by Parke.

On the morning of June 17, Chairman Scott, of the Judiciary committee, reported. The second section of this report reads as follows:

"The Supreme court shall consist of three Judges, and shall have appellate jurisdiction only; which shall be co-extensive with the state, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law."

This section is taken almost word for word from the Kentucky Constitution of 1799. The two changes are, first, the

ST. IVES.

Patron Saint of the Legal Profession. Born, [illegible]
just judge he became so famous that, [illegible]
he was canonized in 1347. This statue, [illegible]
him standing between a rich man and a poor man [illegible]

limitation on the number of Judges, and second, the limitation on the jurisdiction.

Section four of Scott's report provided, as did the Kentucky constitution, that the Judges should hold office during good behavior.

Section five follows the Kentucky Constitution. "The Judges of the Supreme court shall, by virtue of their offices, be conservators of the peace throughout the state."

Section six directed that the Supreme court should hold its sessions at the seat of government, at such times as should be prescribed by law.

Section seven, again following the Kentucky Constitution, gave the power of appointing Judges to the governor, subject to the consent of the Senate. In Ohio, by the Constitution of 1802, the Judges were all elected by the Legislature for a term of seven years.

On June 20, the article on the Judiciary was taken from the Committee of the Whole after it had considered it one session and referred to a select committee composed of Benjamin Parke, Joseph Holman, William Cotton, John Benefeld, James Dill and William Lowe. What the difficulty was does not appear. There may be no significance in the change, but the new committee was strictly anti-slavery and more favorable to the Ohio influence.

On June 22, Mr. Parke, chairman of the new Judiciary committee, made a report. Section two was amended by inserting that two Judges should constitute a quorum. This was the law in Ohio. Section four was changed so that the Judges were to be selected for a term of seven years, though their appointment was left as before.

On second reading, June 24, a number of amendments were offered, only one of which affected the Supreme court. This motion by Robert Hanna, of Franklin, provided that the Supreme court be not organized till 1824; in the meantime the presiding Judges of the Circuit courts should hold at stated times and places courts of errors and appeals. A vote on this was demanded by the mover, which resulted in eight to thirty-three against the amendment. In general, the lawyers all

opposed this amendment, which would have embodied exactly that feature of the Territorial Supreme court which was most obnoxious to them.

On June 25, David Robb, of Gibson county, moved to amend section two by inserting, instead of "three judges" "one or more Judges as the General Assembly shall from time to time prescribe by law." This was plainly an attempt to cater to those who feared the new government was going to be too expensive. From the general standpoint of political science, the motion was sound; but it was voted down, twenty-five to sixteen.

On June 27, the article, as it came from the hands of the special committee, was passed without a division. Only one serious change would be suggested by the experience of the thirty-six years. That would be a life tenure of the Judges. There is no doubt but this question was discussed, and there is no doubt that the sentiment of the convention was decisively against it. The general distrust of government which was at the foundation of Jeffersonian Democracy was prevalent throughout the West. The modifications made in the Ohio article from which this was taken assure us that every part of it was well considered. Its later history has left us little room to criticise the basic law of the old Supreme court.

The first chapter of the Laws of 1817 organized the Supreme court. This law was originally enacted December 23, 1816, but was revised and re-enacted on January 12, 1818. It was provided that the court should sit twice annually, the first meeting to be on the second Monday of May, the second meeting on the second Monday of November. Each session should last at least thirty days if business justified. The meeting place was to be the county court house at Corydon, the sheriff of Harrison county being made the executive officer of the court.

A proviso in section seven denied the right of appeal from any inferior court to the Supreme court in criminal cases. The ordinary writ of error was not permitted to act as a supersedeas in criminal cases. Aside from this, writs of error and appeals to the Supreme court extended to all judgments and decrees given by any inferior court of record in the state. Such

judgments or decrees, from which appeals were sought, had to be final, and equal or exceed in amount fifty dollars, or appertain to a franchise or freehold. The transcript had to follow the appeal within thirty days. In the later revisions this was extended to sixty days. The power of the court extended only to questions of law arising upon the face of the proceedings. Plaintiff in error was not permitted to plead other than errors except in cases of wills, where the Supreme court was permitted to review the facts ascertained by the lower court. If the decree of the lower court was confirmed, the Supreme court could at its discretion add a penalty not exceeding ten per cent. The review of the case could only extend to the first error. At this point the case was to be remanded to the trial court with instructions for its future proceedings. Writs of error could not be brought after five years from the passing of the judgment, except in certain extraordinary cases.

At its discretion the Supreme court might summon witnesses, impanel juries and thus ascertain facts under the same rules and limitations as a trial court. Parties to the case might appear in person or by attorney according to rules laid down by the court itself.

There was to be no break between the work of the Territorial and State Supreme courts. All papers, records and pleading cases were to be transferred to the new court for final disposition. Those suits over which the State Supreme court, under the Constitution had no jurisdiction were sent back to the proper county for trial. The same dispositions were made of the old dockets in Knox and Franklin counties. Finally, the opinions and determinations of the court were to be delivered in writing, except on inconsequential points, and duly recorded and preserved. Thus was constituted the highest court in the new state. So far as the determining laws were concerned, it will not suffer in comparison with any court of its time. It well became the system whose crowning feature it was. The Circuit Judges in 1816 had all been practicing attorneys previous to their election and were directly interested in many cases. There was no law then, as there is now, for appointing a special Judge. The General Assembly, on the

first day of the year 1819, directed that all suits in chancery and all capital criminal suits for which the President Judge was incapacitated be transferred to the Supreme court for trial, the act giving the latter court original jurisdiction over all such cases. In lesser cases the President Judge might merely vacate the bench and let the case come up before the Associates.

By act of January 17, 1831, they changed the date for the sessions of the court. The Legislature met early in December. Many of the attorneys of the state were members. It was therefore convenient for them to come to court and stay for the Assembly. The November term was therefore directed to be opened on the first Monday of November. If it was continued the full four weeks it would lead up to the opening of the General Assembly. The May term was set for the first Monday of May, a time when the Circuit courts had completed their spring sessions and the congressmen were back from Washington. The court was to be held in the Marion county court house, or in some other building to which the court might adjourn. A consultation room was set aside for them in the "Governor's Mansion" on the Circle. This room came to be occupied by Judge Blackford and was a kind of Supreme court headquarters between terms.

The same Assembly provided the court with a sheriff of its own. This officer was appointed by the court for a term of three years. Each county sheriff was made his deputy, so that in a sense he became a state sheriff, though he had almost no power or influence over the county sheriffs. The act of February 17, 1838, fixed the opening of the Supreme court sessions on the third Mondays of May and November annually.

The Revision of 1843 contains not only the laws governing the Supreme court, but also the rules which the court from time to time had laid down to govern the practice at its bar. At this time the prosecutor of the circuit in which the capital was located was made the state's attorney at the bar of the Supreme court. It was his duty to appear for the state in all causes in which the state was a party or had any real inter-

est. However, the attorney who had represented the state below might, if he cared to, represent it in the Supreme court.

In the Constitutional Convention of 1850 there was very little criticism of the Supreme court; what little there was related to two points. The first of these was the appointment by the governor. There was next to unanimous opinion that the Judges be elected. This public opinion was a direct result of the general feeling that the appointments in at least two cases had been determined solely by political considerations. These incidents will be discussed later in this chapter. The other subject of criticism was the court's delay in forming and announcing decisions. Edmund E. Taylor, a lawyer of Laporte, in addressing the convention said he had had a case involving ten thousand dollars before the court for two years and it was still undecided. He and Mr. Kelso had questioned the court and the Judges had said that if they had a reporter they could keep their docket clear. The general impression was that more Judges were needed.

It is a striking fact in connection with this part of our history that the Legislature never meddled with the Supreme court. There was no important change in the organizing act during a period of thirty-five years. The two or three brief amendments were merely regulatory, having to do with the time of meeting. During this period the Circuit and Probate courts were seriously impaired by special legislation.

WORK OF THE COURT.

The court, composed of James Scott, John Johnson and Jesse L. Holman, met as directed by law at Corydon for the first time, May 5, 1817. Judge Blackford, in his Reports, mentions only two cases. The first was McDowell v. Davis, from Warrick county. This case was pending in the Territorial General court and, according to law, was ordered back to the Circuit court of Warrick county for trial. Thomas Blake, of Vincennes, and later of Terre Haute, was the attorney of the plaintiff. There were a number of such cases on the docket and all were transferred to the proper Circuit courts for trial.

Two motions for writs of supersedeas were made and both

granted. Evidently both came up from Dearborn county. Both seem to have been granted without opposition.

At the second term Isaac Blackford took the place left vacant by the death of John Johnson. Three cases at least were on the docket. The case of Aceril v. Dickerson came up from Switzerland on an assignment of error concerning an appeal bond. The decision, which is twelve lines long, was by Jesse Holman. The appeal was dismissed with costs. The attorneys were Reuben Kidder and Amos Lane. The latter was the well-known lawyer of the old Third circuit, and later a congressman. Of the former, nothing is known beyond the fact that he practiced for many years in Dearborn and adjoining counties, appearing at times as far west as Posey county. Another appeal on the same question of the execution of an appeal bond came up from Jefferson. In this case James Scott delivered the opinion and held for the plaintiff, represented by Amos Lane. The appellee was represented by Alexander Meek, an attorney and militia officer of Madison. In the case of Mills v. Conner from Dearborn county, Judge Blackford quashed the writ of supersedeas because of a defective appeal bond. Kidder and Amos Lane appeared for appellant and Stephen C. Stevens, for appellee. These three cases constituted the work of the term. The inference is that it required about all the skill of the bar for a few years to perfect an appeal. In fact in these five cases no lawyer had been able to get into court.

At the beginning of the next term, May, 1818, Kidder and Lane succeeded in getting their case before the court. It involved an award by two arbitrators. The award which they had secured was found faulty, the judgment was found faulty and the judgment on the *scire facias* following was reversed. Stephen C. Stevens was the defendant attorney.

In the case of Morgan v. Fencher, from Dearborn county, Kidder was again beaten by Amos Lane in a case involving a horse trade.

John Thompson, for appellant, and Benjamin Ferguson, for appellee, appeared in a case of malicious prosecution from Clark county. Both were from the Clark county bar. The case was affirmed with five per cent. damages. Another case of

this term is interesting from many standpoints. Bullitt, the land speculator, had sued Scribner, the founder of New Albany, on a promissory note. Hurst and Ferguson represented the plaintiff and Charles Dewey and Harbin Moore represented the defendant. The latter lost their point and the case went back for trial. All the lawyers in the case were well known and the latter two came to be leaders of the bar of the state. Amos Lane and Alexander Meek tried another case from Jefferson county, Lane losing and drawing ten per cent. damages. Harbin Moore and Charles Dewey were opposed in a suit involving the right of a squatter to receive pay for improvements made on government land, Moore, who represented the squatter, lost his case. The amount involved was eighty dollars.

In an ejectment case from Harrison county, Reuben E. Nelson, Major Henry Hurst and Harbin Moore were opposed by Charles Dewey, Benjamin Ferguson and David Raymond. This case had been tried before Judge Holman while he was on the circuit. It was affirmed by Blackford. There were tried at this term eight cases. Five cases were tried at the November term following. During the first year after the court was organized there were disposed of thirteen cases, involving perhaps one thousand five hundred dollars. Further statistics of the Old Supreme court will be given in connection with the table of its work.

It has been handed down by a man well acquainted with all the persons, that the first appointments to the Supreme bench were the result of a political compromise. James Noble, William Hendricks and Jonathan Jennings were the most powerful politicians in the state in 1816. The inference from the tradition is that these men counseled together at the Constitutional Convention and agreed to play the political game in harmony, though they were not the best of friends politically. Facts fall in remarkably well with the tradition. Jennings became governor, Hendricks, congressman, and Noble, United States senator at the first elections. When it came to the appointment of the Judges the story has it that each chose a man. Jennings chose his friend and neighbor, James Scott. Noble chose his friend and neighbor, Jesse L. Holman, while

Hendricks, partly no doubt for political considerations, chose John Johnson, of Vincennes. In this connection it may also be observed that Jennings was on intimate terms with all three of the men and had far more reason to favor Johnson than did Hendricks. In 1809 he and Thomas Randolph had been candidates for delegate to Congress. Randolph was holding the undivided support of the Wabash Settlements and since he had yielded his position favoring slavery was also receiving the support of Harrison's friends in Clark and the newly organized Harrison county. In order to break this support, John Johnson entered the race and drew enough of Randolph's supporters to him to insure the election of Jennings. Johnson apparently made a spirited campaign against Jennings and the belief that he had an understanding with him may be entirely gratuitous. The facts, however, are as given and the result, whatever the motives, was the election of Jennings. In fact, O. H. Smith, who came to Indiana in 1817 and was personally acquainted with all the parties concerned, had the impression that Johnson was the choice of Jennings, while Hendricks selected James Scott. The latter was a Pennsylvanian and may have been acquainted with Hendricks in that state. At any rate he became acquainted with him at the Constitutional Convention where Hendricks was secretary.

History has left us only the most meager accounts of these earliest Supreme judges. All were commissioned on the same day, December 28, 1816. Each had been prominently connected with the history of the territory, and consequently each was fairly well known. Scott and Johnson had sat in the recent Constitutional Convention, Holman being on the circuit bench at the time.

JOHN JOHNSON.

John Johnson was a native of Kentucky; when or where he was born is at present uncertain. He appeared in Indiana as early as 1804, when Governor Harrison and General W. Johnston signed a bail bond for two negroes named George and Peggy at Vincennes. He took an active part in the election of 1804, favoring the territory passing to the second grade. In this he was associated with Benjamin Parke, Gov-

ernor Harrison, John Rice Jones, Francis Vigo, Henry Hurst and General W. Johnston. In 1805 he was a member of the Territorial Legislature and as such joined in the petition to Congress to abrogate a part of the Ordinance of 1787 so that slaves might be brought into the territory. This same Legislature, at its session in 1806, directed two of its members, John Rice Jones and John Johnson, to revise and codify the laws. The Revision usually goes by the name of the Rice Jones Revision, though of course it is impossible at this day to tell which took the leading part in the work. In 1809 Johnson was again a candidate for the territorial House of Representatives. He must have been both well known and popular, for he received more votes than any other candidate, of whom there were five, two only to be elected. He received two hundred and three votes. In this same year he made the race for Congress, mentioned above, against Jonathan Jennings and Thomas Randolph, in which he received eighty-one votes out of nine hundred and eleven. This seems to have cooled his political ardor for a while. In 1816 he was a delegate from Knox county in the Constitutional Convention. This same year he was appointed on the Supreme bench. Early the following year he died at his home in Knox county. Such are the meager facts known of him. His contemporaries speak highly of his character. He had no chance to show his ability in the new position, since he died (September 17, 1817) during the first vacation, before a single opinion of any importance was prepared.

JAMES SCOTT.

James Scott was residing in Clark county as early as 1810. On December 14, of that year, he was appointed prosecutor of the county by Governor Harrison. On June 14, 1813, he was commissioned a Chancery Judge in a Chancery court, presumably for Clark county, though it is not stated what county it was for. At this time he was a representative; but following his resignation a special election was held August 2 to fill the vacancy. On November 6, 1813, the governor directed him and Waller Taylor to hold Oyer and Terminer on November 15 to try Hugh Espy for horse stealing and Richard Aston and Josiah Taylor for arson. The docket for this trial

is still preserved in Jeffersonville. His next public service was in the Constitutional Convention, 1816, where, on the Judiciary committee, he helped form the Constitution of the state. He served on the Supreme bench from December 28, 1816, till January 28, 1831, when his second term expired.

Senator O. H. Smith, who knew him well, says he was a Pennsylvanian, one of the most upright men, a good scholar, and a fine lawyer. He held him in high regard, rating his opinions on the bench second to none.

JESSE L. HOLMAN.

The third member of the first court was Jesse L. Holman. He was a native of Kentucky, having been born in Danville in 1784. Marauding bands of Indians were common in Kentucky at this time. At the hands of one of these the father of Mr. Holman was killed. The widow was able to give her son a good common-school education. He was well enough prepared to be able to teach school or preach. These professions seem not to have been satisfactory, so he read law in the office of Henry Clay at Lexington. He evidently came into possession of a considerable estate soon after he became of age. Slavery was distasteful to him and he brought his slaves with him to Indiana, thereby liberating them.

Just when he came to Indiana does not appear, but it is thought to have been in 1810, when he was twenty-six years old. On May 28, 1811, he was appointed prosecutor of Dearborn county in the place of Gen. James Dill, of Lawrenceburg. His home was near Aurora, on the banks of the river. In 1814 he was elected a representative, resigning the same year to accept an appointment as Judge of the Second district of the territory. He sat on the Supreme bench from 1816 to 1831. In this same year he was an unsuccessful candidate for the United States Senate to succeed his old friend, Gen. James Noble, who died that year in Washington. John Tipton defeated him by a single vote. Until 1835 he held no office. At that time he succeeded Benjamin Parke as District Judge of the United States court. Further notice of him will be found under that heading.

As the Judge of the State Supreme court he can hardly be said to rank with our leading jurists. Smith says he was a good lawyer and one of the most conscientious men he ever knew. Like all the early lawyers and Judges of Indiana, he was an all-round man. In religion he was a Baptist, serving as pastor of the Aurora Baptist church during most of his life. He not only preached without a salary, but did more than any one else to support the church. Being a proprietor of Aurora, he naturally took a deep interest in its welfare. As a member of its board of visitors or of the board of trustees for twenty years, he naturally took a deep interest in the welfare of Indiana University. His son, William S. Holman, served his state in Congress many years.

ISAAC BLACKFORD.

If there was any political motive in the appointment of Isaac Blackford it does not appear. He perhaps had made the acquaintance of Governor Jennings some years before the state was formed. Both were natives of New Jersey, Jennings was two years the elder, and probably preceded the Judge to the territory about two years. Both spent some time at Vincennes where they affiliated with the same party, opposing Governor Harrison and voting with the eastern settlers. However the connection was formed, Governor Jennings was well acquainted with him when, in 1817, they attended Judge Johnson's funeral together.

At this time Governor Jennings informed him that he had decided to appoint him to the vacant judgeship. He is said to have begged the governor not to do it, pleading his youth, inexperience, and the possibility of finding stronger men, several of whom he suggested. However, this latter may be, it is hardly in keeping with his whole history. He was an inveterate office-seeker and office-holder. He was, on the other hand, a reticent, retired man in his later years especially, and the thought of being a Judge over a Supreme court, where such men as Parke, Dewey, Lane or Noble might practice, may have been alarming to him.

Isaac Blackford was born at Bound Brook, New Jersey, November 6, 1786. He was of pure English descent, his father

having come from that country. His parents were in good circumstances and the son entered Princeton College in 1802. His father died about this time. At Princeton young Blackford devoted himself to the classics, leading in Latin and Greek. His class of fifty-four members contained a number of distinguished men. He evidently early turned to the law, since in his senior year he made a careful study of Blackstone. His studious habits formed in college clung to him through life, so that he was rightly known as a bookish man. This trait was especially distinctive in a new country such as Indiana territory was at that time.

It is perhaps useless to conjecture why he immigrated to the west at this time. A dozen reasons sufficient to lure like characters to the young west suggest themselves. Jonathan Jennings, who was born only a few miles from Bound Brook, had preceded him to the territory. Whether any communication between them was had before Blackford decided to migrate does not appear. Benjamin Parke, also a New Jersey man, had come to Indiana in 1801, ten years ahead of Blackford. He had also been back to Washington as a delegate from the territory to the federal government. All three of these men lived for a time at the capital, Vincennes.

Before coming to Indiana, Blackford entered the law office of Gabriel Ford, said to have been one of the best lawyers of his state. He entered Princeton in 1802 and presumably graduated in 1806. If so, he spent five years in New Jersey after finishing his college career before coming to Indiana. The first of these five years he is said to have spent in the law office of Col. George McDonald. In 1810 he was admitted to the New Jersey bar.

It is said he walked all the way to the Allegheny river, where he took boat for Lawrenceburg. He bore a letter of recommendation to Isaac Dunn, of that place, from his law teacher, Ford. Either on his way west or after arrival at Lawrenceburg, he visited Dayton, Ohio, but finally settled down at Brookville. He stood no chance of ever winning a living in the Circuit courts of Indiana of that or any other day. After serving as cashier in the unfortunate Vevay bank, editor of a paper at Vincennes, and clerk of Washington

county, he was chosen clerk of the House of Representatives in 1813. It is impossible the influence of both Parke and Jennings was not supporting him at this time. Governor Posey appointed him President Judge of the First territorial circuit. In 1816 he was chosen representative from Knox county. When this General Assembly convened at Corydon he was elected speaker. At the time of his appointment to the Supreme court he was cashier of the Vincennes State Bank.

These latter honors are evidently due to his own popularity. He made friends slowly, but they remained firm after he had made them. James Noble, who was elected United States senator by this Assembly, has testified to his ability and fairness.

His service as Judge was contemporaneous with the life of the Old Supreme court. Only one short session had been held before he came on the bench and he remained until the old court was dissolved, a period of thirty-seven years. Few judges in this or any other state have served so long. His narrow, intense, cautious mind was the governor belt on the young judicial system of the state. His court was a seminary for the circuit lawyers after they had graduated from the school of the circuit.

In comparison with a score of lawyers who practiced at his bar he would suffer, yet he, no doubt, made a better Judge than any of them would have done. In sheer mental strength he was not equal to Dewey. In mental circumference he was not equal to John B. Niles. In a knowledge of the practice of law he was far inferior to O. H. Smith. In a profound understanding of the civil law, Samuel Judah surpassed him. In pure intellectual strength and vision which open up to a lawyer the path over which society is traveling, George G. Dunn surpassed him. In the law of commerce, Stevens surpassed him. In trial procedure, it is probable Sample, Eggleston and McDonald were his superiors. And so one might find others greater in a special field of the law, yet it is perhaps just as true that in all these points combined he excelled any one of them.

He founded his decisions on the best judicial dicta available. He rested very largely on precedent. It took a strong burden

of argument to overthrow in his mind the weight of established principle. It is this characteristic that made his "reign" so valuable to the young state judiciary. He himself overthrew many of his own decisions and many of them have since been overthrown, but not till practically all lawyers had felt they should be reversed.

He has been criticised as too cautious, too conservative. This is mere opinion, and may be right. At least it cannot be answered, only denied. In his court the lawyers knew just about what the law was, and that is certainly a healthy condition of the law. In the face of the great social change, just beginning when he left the bench, it is difficult to hazard what he would have done. His service to the state was great and there is nothing to be gained by attempting to discount it by saying he must have failed had he served another third of a century.

His political ambitions overreached his political ability. There is no doubt but he coveted political honors. In 1825 he made the race against James Brown Ray for governor. Ray was a good popular campaigner, Blackford a poor one. In spite of this handicap, he received 10,418 votes to 13,040 for his rival, a remarkable tribute to his reputation. At the next session of the General Assembly he was a candidate for United States senator and seems to have been defeated by a single vote. His opponent was William Hendricks, the most astute politician of early Indiana, after Jennings. He was personally opposed to Harrison on account of the stand he had taken regarding slavery in territorial Indiana. When Harrison was a candidate in 1836 he refused to support him and went over to Van Buren. This move effectually shattered what little political reputation had been left him by the unfortunate political dickering by Governor Ray in 1831. He was defeated for Judge in 1852 by Samuel Perkins; for Supreme court reporter in convention; and by Thomas A. Hendricks in the Democratic congressional convention. This left him completely disillusioned concerning his political availability. However, he enjoyed a national reputation and in 1855 President Pierce appointed him Judge of the United States Court of Claims at Washington. Here he spent the remainder of his

life, dying December 31, 1859, at midnight, the last of his family.

His character in his profession was never assailed. His honesty, integrity and energy were never questioned. Lawyers seem as a rule to have received his decisions without a murmur. However, toward the close of his career the press began to criticise him severely. It was stated that he had made and was making a large amount of money out of his "Reports." He was charged with neglecting his official duties in order to edit them. Laymen could not understand why he spent day after day on his editorial and proofreading work when the court was two years behind with its work, while lawyers and litigants were clamoring for an early hearing. This charge had not a little to do with his later unpopularity.

There is no doubt that he did a great amount of work reporting. The seven volumes of "Reports" are a careful selection only from the great number of cases that came before the court. Each opinion was carefully restated, boiled down and corrected. The first volume of the "Reports" was published in 1830, the second in 1834, the third in 1836, the fourth in 1840, the fifth in 1844, the sixth in 1845, the seventh in 1847 and the eighth and last in 1850. These are his life work and on them his reputation must rest. The love, time and attention devoted by most men to their families was by him lavished on these volumes.

An all-round interest which he possessed in early life had rapidly narrowed until he devoted all his attention to the law. He collected a considerable library in his room in the governor's mansion, where he devoted himself assiduously to its study.

In 1820 he married Caroline, a daughter of his first law preceptor, Col. George McDonald, of Vincennes, where her father had located in 1819 and where he continued to practice for many years. The young wife of Blackford died a year after her marriage at the birth of a son, named George. The child was brought up at Vincennes, but died before becoming of age.

Judge Blackford lived somewhat like a hermit in his "Mansion" at Indianapolis. He boarded at a cheap hotel and

was miserly in all his dealings. He frequently left a whole year's salary so it would accumulate interest. This became known and led people to exaggerate the amount of money he was making out of his "Reports." He belonged to no church, club, or lodge, but, with his colored servant, William Franklin, lived very much alone.

As soon as news of the death of Judge Blackford reached Indianapolis, Governor Willard called a meeting of the members of the bar to prepare for the funeral. Eulogies were pronounced by Judge Morrison, Governor Willard and others, after which the body was buried at the capital, although his sister, Mrs. Condit, of Terre Haute, at first had intended that the burial should be at Terre Haute.

In the *National Intelligencer* of January 6, 1860, is an account of the bar meeting in Washington. From its proceedings I quote the following tribute from Governor Porter, then a representative in Congress:

"It is hardly possible for persons who live in an old community to appreciate the extent to which, in a new country, the character of a public man may be impressed on the public mind. There is not a community in Indiana, not a single one, in which the name of Judge Blackford is not a household word. He has been identified with our state since the first; he may be said to be a part of our institutions. Judicial ability, judicial purity approaching almost to the divine, private worth singularly blending the simplicity of childhood with the sober gravity of age, these were represented not simply in the mind of the profession, but in the universal popular mind of Indiana, in the person of Isaac Blackford.

"Who that has long known him can ever forget the magnitude and conscientious fidelity of his judicial labors; the modesty which constantly disparaged those labors; the exalted purity of his private life, and that laugh which in the social circle in rare moments of relaxation seemed to ring more merrily than a child's?

"While Judge Blackford held a place on the bench, no man, no chosen friend, no public body could ever elicit from him a private opinion upon any question of law. When he was written to by a suitor merely as to when his case would prob-

ably be decided, the letter was carefully folded in the transcript of the record, to be seen by all who might possibly be interested in the case."

In closing his eulogy, William McKee Dunn said: "Indiana is proud of her great jurist, but today she mourns one of her most eminent citizens. Let his body be borne back to the state with whose judicial history his name is inseparably connected, and there at its capital let him be buried where those from all parts of the state may visit his tomb and pay affectionate tribute to his memory."

Judge Blackford is the most widely and favorably known of all the Indiana Judges. For this reason it does not seem out of place at this time to include the following opinion of him taken from an editorial in the *Indianapolis Journal*, January 4, 1860:

"Preparing opinions and getting out reports were about the only features of a career of unusual evenness, and admirably suited the scholastic tastes and retired habits of the Judge. Buried in the little room in the upper story of the Governor's Mansion, he studied, wrote and read, and thus passed all of that lifetime of a whole generation. Of course such a man was ill fitted to contend with the keen, energetic politicians who had grown up since he became a recluse, and when the selection of Supreme Judges was passed over to the people he found himself nowhere in the struggle with his young associate, Perkins.

"Judge Blackford was not a man of great talents. His intellect, though discriminating and logical, was not very strong or acute. He spoke but little and that little very badly, hesitatingly, confused and not very coherent. He would have been overcrowded in an instant by any brass-lunged spouter who should have ventured into debate with him. To the last hour of his life he was painfully diffident in any situation that exposed him to special attention. But in his room alone, with his facts in his transcript, and his law in his library, he was a giant, as a coral is a giant, not in power but in production. Slowly, but with absolute certainty, he would dig on from point to point till he saw daylight through it. And when he

went through a case there was never any need for another road till the present generation began guessing at the law as Judge Wick expressed it. He was laborious, careful and, above all, conscientious. His legal opinions, as those of his great associates, Dewey and Sullivan, were models of their kind, clear, compact and complete. They carried no weight of immaterial discussion, and they lost no weight through grammatical leaks or rhetorical cracks. Probably if his successors had aimed no higher they would have fallen no lower. The same qualities that made his opinions sound made his reports valuable. They are quoted in every state in the Union and even in England with as much respect as any reports ever produced in this country."

Governor Ray determined to break up the old Supreme court when the Judges had finished their second terms. On the 28th of January, 1831, he therefore nominated Stephen C. Stevens, of Jefferson county; Gen. John T. McKinney, of Franklin, and Isaac Blackford to constitute the new court. Many conjectures have been made concerning the reasons for not nominating Scott and Holman and for nominating Blackford. No plausible explanation for the foolish deed has ever been made. In 1826 Governor Ray had accepted an appointment from the federal government to negotiate an Indian treaty. This was a direct violation of the State Constitution. When the General Assembly convened it appointed a committee to investigate this matter. The feeling was high against the governor. General McKinney defended the governor, as also did Stevens. An explanation of their appointments may be found in this incident. It is certain Governor Ray was ambitious to go to the United States Senate; but it is hard to reconcile his conduct in this case with any political sagacity. Scott and Holman were strong men, capable of exerting considerable political influence. Ray may have thought Blackford had political power; but if he did, he was certainly mistaken. Ray prided himself on being a nonpartisan. He coveted the applause of the people. He courted this by doing the spectacular. Some simple notion like this very likely prompted him to destroy the Old Supreme court. It is futile to attempt to explain it along the line of political

manipulation. It was political suicide, and any man in his position must have known it. Ray was a very weak man in some ways. Men like Scott and Holman must have realized this in a short time and it is of course impossible that they should have helped or encouraged his senatorial aspirations. He may have resented this, but it is more likely he merely felt that jealousy towards them which weak men usually entertain toward strong ones. Whatever the explanations, the new appointments were good men; one of them was perhaps a better lawyer than had sat on the Supreme bench up to the time. The criticism is not that weak or corrupt men were appointed, but that politics or some other ulterior consideration was allowed to play a part in constituting the highest tribunal of the state. Such acts are liable to have far-reaching consequences in lowering the standing of the court in the estimation of the people. It leads scheming politicians to believe they can trifle with the highest institutions of the state.

STEPHEN C. STEVENS.

Judge Stevens seems to have been somewhat of a puzzle to the men of his immediate acquaintance. In society, politics and religion he was irregular. Even in the practice of law he was accustomed to using a surplus of form and verbiage that tended to obscure his solid learning. However, beneath all his seeming eccentricities there was a solid basis of reason.

He came with his mother to Brookville before 1812. At the first session of the Territorial court, held at Brookville, June 24, 1811, and presided over by Benjamin Parke, he was indicted for selling a tin pan to an Indian. The indictment was quashed. He was admitted to the bar at Brookville, March 3, 1817. He was evidently then a young man. He experienced something of the Indian war then going on. He seems to have engaged in business and made the trip to New Orleans during the winter of 1813-14, arriving at New Orleans in time to join the army of General Jackson. At the battle of New Orleans he received a musket ball wound in the head, which troubled him throughout his life and perhaps caused his insanity in old age. After his return to Brookville he read law

and engaged, as all young lawyers did, in politics. In 1817 he represented his county, Franklin, in the Legislature.

Brookville was then pretty well occupied by lawyers and he moved to Vevay. There is an entry on the Franklin Circuit court docket showing that he and Senator Noble had a fight in the court room in 1817. Both drew fines of five dollars for their pugnacity. High temper was characteristic of Stevens throughout his life. He was a big, burly man and should have given a good account of himself, though the court records are silent as to the results of the encounter. In the year 1817 he was before the Supreme court in two cases taken up from Dearborn county. At Vevay he drifted into business again and helped organize the Vevay branch of the State Bank. He was president and Isaac Blackford, cashier. During these years he rode the circuit with James B. Ray, who later appointed him Judge.

When the bank failed he again took up the practice of law actively. In 1822 he was again before the Supreme court in a case from Lawrence county, defending counterfeiters. In 1823 he was again in the Legislature, representing Switzerland county. The next year he was re-elected, serving as speaker during the session. In 1825 he was not returned, but in 1826 and 1827 he represented Switzerland. In 1828 he was elected to the Senate, serving in 1828, 1829 and 1830. When he finished this term he was appointed on the Supreme bench. What part he took in the quarrel between Ray and the Senate does not appear, but it is very probable he supported the governor and thereby shared with him the unpopularity that resulted. At any rate he never held an elective office again.

During these years he evidently enjoyed a wide practice, for he was before the Supreme court in many cases from the southeastern counties. Nearly all these cases had to do with collections, a branch of the law in which he seems to have specialized.

After serving till May, 1836, he resigned and began the practice again at Madison, to which town he had moved about 1830, attracted no doubt by the growing commerce of that city. He built up a valuable practice, somewhat in the nature of a modern collection agency. During the period when Madi-

son was the chief city of the state he prospered, accumulating a good fortune for that day. In 1852 this was swept away to the last dollar in an unsuccessful railroad promotion. The loss unbalanced his mind. In 1869 he was placed in the state hospital for the insane, where he died a pauper, November 7, 1870, and is said to have been buried at the expense of the Indianapolis bar. He must have been past seventy years of age. He had lived in Indiana fifty-eight years and must have been at least of age when he came to Brookville.

He had all the characteristics of a New Englander, though there are no records as to his nativity. In most things he was an extremist, almost an absolutist. In politics he was an abolitionist, making the race for governor on the Liberal ticket in 1846. He helped organize the Grand Lodge of Masons of Indiana in 1817, but withdrew from active participation in the order after the Morgan affair. In religion he was a Presbyterian, withdrawing from the regular church on account of its attitude on slavery and other questions. He was not brilliant, but he was a hard worker and a close, careful student.

JOHN T. M'KINNEY.

The other new member of the court appointed at the same time was Gen. John T. McKinney, of Brookville. It is certain Stevens and Blackford were well acquainted at Brookville; and it is very probable that McKinney and Governor Ray were also there at the same time. It is stated in the current biographies of Governor Ray that he came to Brookville early in 1818, but it seems he was there earlier. General McKinney was admitted to the bar, March 15, 1815. Two years later he and Miles C. Eggleston pleaded guilty to fighting in the courtroom and each was fined five dollars. The records show that Hendricks, Noble, McKinney, Stevens, Eggleston and Amos Lane did the bulk of the law business at the Brookville bar. We have the testimony of McKinney's contemporaries that he was the equal of any of these men at the bar.

According to Blackford's Reports, he did not appear before the Supreme court while it sat at Corydon, but in 1825 he reversed a case on O. H. Smith. The suit was against a tax collector and went up from Fayette. In the same year he and

Governor Ray were associated in a chancery case before the Supreme court. He was not often before the Supreme court, however.

The fugitive notices of him that have come down to us leave very much to be desired in the way of a biography. He was a tall, lean man. Already in 1831 the hand of incurable disease was laid upon him. Though often unable to do the work connected with his office, he lived till May 29, 1837, and died of consumption. Those who were well acquainted with his work call him a first-rate lawyer and his decisions are fair. He must have been about forty-five years of age at his death.

His political popularity is evidenced by the fact that he served two sessions as representative and three as senator, entering the Assembly in 1826 and serving consecutively in the two houses till 1831, when he was appointed Judge, making in all twelve years of continuous public service.

CHARLES DEWEY.

Judge Dewey was appointed to the Supreme bench by Governor Noah Noble, May 30, 1836, to succeed Judge Stevens, who had resigned. One does not have to search for the reasons for his appointment. He had been a leader of the state bar since the state was admitted and had taken a creditable part in the political and social life of the times.

Charles Dewey was a New Englander of pronounced characteristics. He was a native of Sheffield, Massachusetts, where he was born March 6, 1784, being thus less than two years older than Judge Blackford. In due time he was graduated from Williams College; whether he read law or what he did from the time he left college till he came to Indiana in 1816 does not appear. The presumption is that he had been practicing, since he entered at once into the practice upon his arrival in the new state.

On the records of the United States District court for Indiana at its second term, held at Corydon, November 3, 1817, Mr. Dewey, along with his old companion, Harbin Moore, was admitted to the bar. He had located in 1816 at Paoli in time to practice at the first Circuit court held in Orange county. That he soon obtained recognition as an attorney is shown by

the fact that Governor Jennings in 1818 retained him as his attorney in the contest with Christopher Harrison over the possession of the governor's office.

According to Blackford's Reports, he first came before the Supreme court in 1818 on a case over an eight hundred dollar note. The case was appealed on him from Clark county and reversed. From that time on he was before that court perhaps as often as any attorney in the state. His practice covered the territory west of a line from Madison to Indianapolis and south of the National road. His principal competitors were Samuel Judah, of Vincennes, Jude Hall, of Princeton, Harbin Moore, of Corydon, Calvin Fletcher, of Indianapolis, and Reuben S. Nelson, of New Albany. He was frequently opposed in criminal cases to James Whitcomb, the best prosecutor on the circuits of the early state.

In 1821 Dewey was a representative from Orange county. The following year he was a candidate for Congress against William Prince, of Princeton. The campaign was an amusing one. Prince had been a follower of Burr on his wild flight down the Ohio and Mississippi. Dewey was said to be a Hartford Convention Federalist. It was too early, however, for a New Englander to be elected from southern Indiana. Dewey served as United States district attorney of Indiana from 1821 to 1829.

Two years after this campaign, 1824, Dewey moved to Charlestown, Clark county, where he continued to reside till his death. In 1832 he again made the race for Congress, but was defeated by John Carr, sheriff of Clark county.

He served on the Supreme bench from 1836 to 1847, eleven years. In 1842 his friends secured his appointment as the United States District Judge for Indiana to succeed Judge Holman. Whether the office was not attractive, or whether he disliked to accept office at the hands of President Tyler, is not apparent, but he refused to accept. Either reason is entirely compatible with his independent temper. He enjoyed the practice of law, and perhaps preferred the independence he felt as a free attorney at the bar better than the duties of public office.

After his term as Judge was over he resumed the practice

of law at Charlestown, which he continued till his death, April 25, 1862. He was buried in the cemetery at Charlestown. He was a man of athletic build and great strength. At middle age he was fond of wrestling and, if need be, would mix it with an opponent in rough and tumble fight. In 1849 he was thrown from a buggy and crippled. Thereafter he went on crutches.

In a brief biography such as this it is impossible to give an adequate idea of the versatile strength of Judge Dewey. On the bench he spoke with great dignity and decorum. He was a model Judge. He liked better, though, to urge a cause before a jury or court where he could unleash all his powers of forensic argument. On such occasions he was not ornate or eloquent in the popular sense, but he pursued his point with invincible logic, enlivened by wit and enforced with abundant sound sense. His legal arguments were unassailable from the standpoint of precedent, but, like all lawyers of the very first rank, he did not hesitate to break away when inevitable logic or sound political considerations showed the way. He was not limited by the letter of the law. This freedom made him especially strong in the equity branch of the law. In this he excelled, though he understood and practiced all branches with apparently equal satisfaction.

Popular applause or censure had no influence with him in the discharge of official duty. On one occasion a sheriff hesitated in the face of a threatening mob to protect a colored criminal in his charge. The Judge informed him that he would hold him responsible on his bond for any harm done the prisoner and then sternly ordered him to lock his prisoner up in the jail. The firm attitude overawed the mob and prevented a lynching. Neither was he always careful to conceal his lack of respect for ignorant Judges. For this reason he often found himself out of favor with Associate Judges and justices. On one occasion he was continually distressed by the adverse ruling of a petty court. He finally lost his patience, of which he did not have a large amount, and after severely denouncing the court, he turned on it with, "Now, damn you, fine me; send me to jail, too; you ought to if you have any respect for yourselves."

He was a capital companion and always had an endless stock of stories and incidents gathered from his long career on the circuit. It is an inestimable loss to history that he did not, like O. H. Smith, write these up for posterity. Such reminiscences would have done for southwestern Indiana what Smith's "Trials and Sketches" has done for southeastern Indiana.

He was a true friend to his profession and to his professional fellows. His eulogies on Isaac Howk and Judge Parke were long remembered. The former died suddenly at his room in Indianapolis while attending the Supreme court. The members of the bar gathered around the dead body of their comrade next morning and listened to one of the most touching memorial addresses ever pronounced in the state. The sense of personal loss was touching in the extreme. The other eulogy was a formal address delivered before the State Historical Society, which Judge Parke had founded.

He was a reader of the best literature and kept fully abreast of the times. Political animosities were common and bitter at that time. He was a pronounced Whig and voiced his opinion of men and measures in language that could not be misunderstood. For this reason he had many bitter enemies. However, unlike Stevens, he was not an extremist or an agitator. He had less appreciation for Abolitionists than for Democrats. He regarded them as iniquitous troublers of the state. When the Whig party dissolved he passed easily over to the Republican. Two of his sons and two of his grandsons served in the Northern army, three of them paying the last full measure of patriotic devotion.

Judge Dewey was a lifelong member of the Presbyterian church, living as nearly up to its discipline as possible and leaving its problems of a doctrinal nature to the theologians. He was a great admirer of Henry Ward Beecher, whose church he attended while in Indianapolis. Some of the mannerisms of the great preacher did not escape the good natured remarks of the great Judge, however. Such in brief was the life of one of the very greatest of our lawyers and citizens.

JEREMIAH SULLIVAN.

Upon the death of General McKinney, Governor Noble appointed Jeremiah Sullivan to the vacant seat. Again we are not required to seek any ulterior motive for the appointment. The appointee was a man of recognized ability and social standing. Few if any men in the state had better qualifications.

Judge Sullivan was born at Harrisonburg, Virginia, July 21, 1794. He was thus ten years the junior of Dewey and eight of Blackford, his companions on the bench. He was of Irish descent. Being an only child, he was well educated. He entered William and Mary College, then the headquarters of the young Virginian aristocracy, and graduated in due course. The records have it that he studied law and was ready to be admitted to the bar when the War of 1812 broke out. If so, he must have been quite young for a lawyer, being only twenty in 1812.

After the war was over, the lure of the West came upon him and he started for Kentucky on horseback. His destination was Louisville, but, visiting Cincinnati on his way, he was urged to go to Madison, then one of the promising young towns on the north side of the Ohio. It was thought at that time, and for many years after, that Indiana would have some river city such as Pittsburgh was to Pennsylvania, Cincinnati to Ohio and Louisville to Kentucky. Madison for many years bid fair to be that city.

In 1817 Sullivan located at Madison and that remained his home. Madison had even at that early date some of the leading men of the state. Sullivan at once allied himself with these. In December, 1817, he attended the meeting of Masons at Corydon in which the Grand Lodge was organized. Alexander Meek, of Madison, was elected deputy grand warden and Sullivan, grand orator, a tribute to his graceful oratory even at that early date. He withdrew from the order during the Morgan era and never rejoined it. In 1819 he was elected to the General Assembly and re-elected in 1820. An incident of his service here was the naming of Indianapolis, which name he is said to have suggested. In 1824 he made an unsuccessful race for Congress against William Hendricks. He is

said to have declared at this time that he would never again enter actively into politics. He felt that it took too much of his time from his profession, to which he was passionately attached. In 1829 he was appointed to represent Indiana in an attempt to determine a plan for building a canal from the Wabash to Toledo. This required a working agreement between Ohio and Indiana. The two commissioners met at Cincinnati and drew up an agreement which was ratified by the two state Legislatures and under which the canal was built.

His connection with the internal improvements of the state continued till 1836, though he never took a leading part. In 1837 he was appointed to the Supreme bench and served there till 1846, when Governor Whitcomb ripped up the bench.

From 1846 to 1869 he devoted himself to the practice of law, enjoying the solid reputation he had earlier built up. In 1869 he was appointed Judge of the Jefferson Criminal court. In 1870 he was elected to the position, but died suddenly, December 6, three hours before time to open court.

Besides being a good lawyer, Judge Sullivan measured up to the full height as a citizen. All movements promising good to the community had his support, especially the church and schools. This feature of the man was beautifully described by Joseph E. McDonald, who very much resembled him in character, in a public address: "As a Judge, he was learned and inflexibly just and an ornament to the bench. As a practicing lawyer, he was able and honorable and an ornament to the profession. As a sincere Christian, he was an ornament to the church. As a man of exalted personal character, he was an ornament to society."

Like all sons of the Old Dominion, Judge Sullivan did not neglect the social man. In receptions, in entertaining public men either by the city or in his home he was always ready for service. When General Scott visited Madison in 1852, he gave the welcome address, which is a model of good taste and diction. Judge Dewey used to take his vacations visiting at the Sullivan home. The two Judges were the most congenial of men and very similar in their interests.

In religion, Mr. Sullivan was a Presbyterian. His father was a Catholic Irishman and had intended the son, so it is

stated in his biography, for a priest. If so, he took a rather risky course when he sent him to William and Mary College. His mother was a Methodist. In the Presbyterian church Judge Sullivan favored the more moderate views, aligning himself with the New School. He was an elder and took an active part both in the support and management of the local body.

In politics he supported the Whig and later the Republican parties. He was democratic in his views, favoring the common men as against the large corporation of his city. He walked midway between the two aggressive politicians of his town, Jesse Bright and Joseph G. Marshall. As a consequence he exerted little political power. In 1848 he amused himself by ridiculing the bombastic announcements of Jesse Bright concerning the devastation of Mexico by Bright's Invincibles. In 1850 he opposed the selection of William McKee Dunn to the State Constitutional Convention on the ground that he was a corporation partisan. At the outbreak of the Civil War he aided Governor Morton materially in marshalling the state's resources. His eldest son was an officer in the Mexican War and his youngest son led a company to the Civil War. The latter rose by promotion to be a brigadier-general.

Judges Sullivan, Dewey and Blackford undoubtedly constituted the best court that sat under the old Constitution, if indeed it has been excelled in the history of the state. All were college-trained men, representing Williams, William and Mary and Princeton, three leading colleges of that day. Each man was thoroughly devoted to the law. Each brought his own individual strength to the bench. Blackford was learned in the law, diligent in searching out every precedent that could possibly throw light on the case at bar. Dewey knew the law, but preferred also to rest his decisions on the principles of morality and politics as well as on precedent. Sullivan brought to the bench a catholicity of training and appreciation that gave their decisions a literary elegance not at all times common to the law. Literary elegance with Sullivan meant an expression devoid of all temporary, provincial or foreign terms, such an expression as would in plain English go to the point and there stop. Politics with Dewey meant

the consideration of the final good of the state. Blackford would have excelled as a special pleader; Dewey, in a court of equity. Sullivan would have made an ideal trial Judge where the various interests of society came into active conflict. All made a team which for excellence was recognized not only in every state in the Union, but even in England.

From 1843, the election of Whitcomb, to 1849, when the Legislature also became safely Democratic, the Whigs and Democrats were engaged in a quarterless struggle for state control. The Democrats felt that they were commissioned to drive the Whigs from power and they proceeded to do so on the root and branch plan. The General Assembly of 1844, by one casting vote of Lieutenant-Governor Bright, refused to go into the election of a United States senator. When the terms of the Supreme Justices expired in 1846, there were few people in the state interested in such affairs but confidently expected to see the old Justices reappointed. Governor Whitcomb was an excellent man, but he never gave any explanation of why they were not reappointed. It has been asserted time and again that Governor Whitcomb attempted to make a deal by which he would reappoint the old bench in return for enough votes in the General Assembly to make him United States senator. Failing in this, he refused to appoint the two men who were responsible for the failure. The story is plausible and was not denied by the governor, but that does not prove its truthfulness in this case. It was also said that Ashbel P. Willard was responsible for the non-appointment of Judge Dewey.

Governor Whitcomb, on one occasion, said the Judges were too old and there was need of young men to clear the docket of the court, now far behind. He first appointed Charles H. Test and Andrew Davidson. These men were not confirmed. He next nominated E. M. Chamberlain and Samuel E. Perkins; when these were rejected, he nominated W. W. Wick and James Morrison. When these were rejected, he appointed Samuel E. Perkins and Thomas L. Smith to serve till their successors were appointed and qualified. The fight in the Senate for the old court was led by Joseph W. Chapman, a Democratic senator from Laporte. After all the evidence

available had been examined it seems the famous court was sacrificed to the desire of the ruling Democrats to get Whigs out of office and Democrats in. Had Dewey and Sullivan been Democrats, as Blackford was, there is little room to doubt that they would have remained on the bench, as he did.

THOMAS L. SMITH.

Judge Smith located at New Albany about 1839. He was soon deeply involved in the political struggle then going on. Like his companion on the bench, his reputation was largely political. The bar of New Albany was entirely Whig till his coming. He was joined about 1844 by Ashbel P. Willard, a Kentucky school teacher. The two soon built up a strong political organization. It was ably supported by the *Ledger*, a new Democratic paper owned and edited by John Norman.

Mr. Smith had considerable practice at the time of his appointment to the Supreme court, but could hardly be ranked as a lawyer with George V. Howk, Henry P. Thornton or James Collins, certainly not in a class with Harbin Moore (who left the state in 1833) and Randall Crawford. He succeeded Charles Dewey, January 29, 1847, and served till the New Supreme court was organized, January 3, 1853. He was an average lawyer and as a Judge made a fair reputation. After his term in the Supreme court, he retired to New Albany and resumed the practice of law and politics. His participation in the "bank frauds" at the opening of the Bank of the State of Indiana deprived him of his reputation and position in the state. He was long a useful citizen of his county, interesting himself in schools and local politics.

SAMUEL E. PERKINS.

Judge Perkins was born in Brattleboro, Vermont, December 6, 1811. He and Governor Whitcomb, who appointed him to the bench, were from the same state, though their birthplaces were some distance apart. Whitcomb came west when a boy and received his education in the West, while Perkins, left an orphan at the age of five, lived with friends across the line in Massachusetts till he was of age, receiving his education in

the free schools and academies of the East. He read law in Penn Yan, New York.

He arrived in Indiana in 1836, just as the internal improvement boom was at its height. He at once made arrangements with Judge Borden, of Richmond, to study law in his office. In 1837 he was admitted to the bar and opened an office in Richmond.

The Democrats had never secured a footing in Wayne county. A struggling young Democratic newspaper called the *Jeffersonian* was then in existence at Richmond. With this as a medium, Judge Perkins set to work to build up an organization. He was virtually editor of the paper and found recruits for his party among those disgruntled over the failure of the state canals.

For his effective work here he was made prosecutor in 1843. In 1844 he made a state reputation in the canvass for Polk, being an elector himself. As a reward for this campaign he was nominated for the Supreme bench in 1846, but the Senate refused to confirm him. In 1847 he was again nominated by Governor Whitcomb, and again turned down by the Senate. The following year he was nominated and confirmed. He was at this time only thirty-five years old. His reputation was almost entirely political, which perhaps accounts partly for the Senate's refusal to confirm him.

While on the bench he devoted his leisure time to preparing, first, an "Indiana Digest," of eight hundred pages, and as soon as that was done he prepared a treatise with the title, "The Indiana Practice." His term ended after the election of 1852, which, under the new Constitution, furnished the successors for the old court.

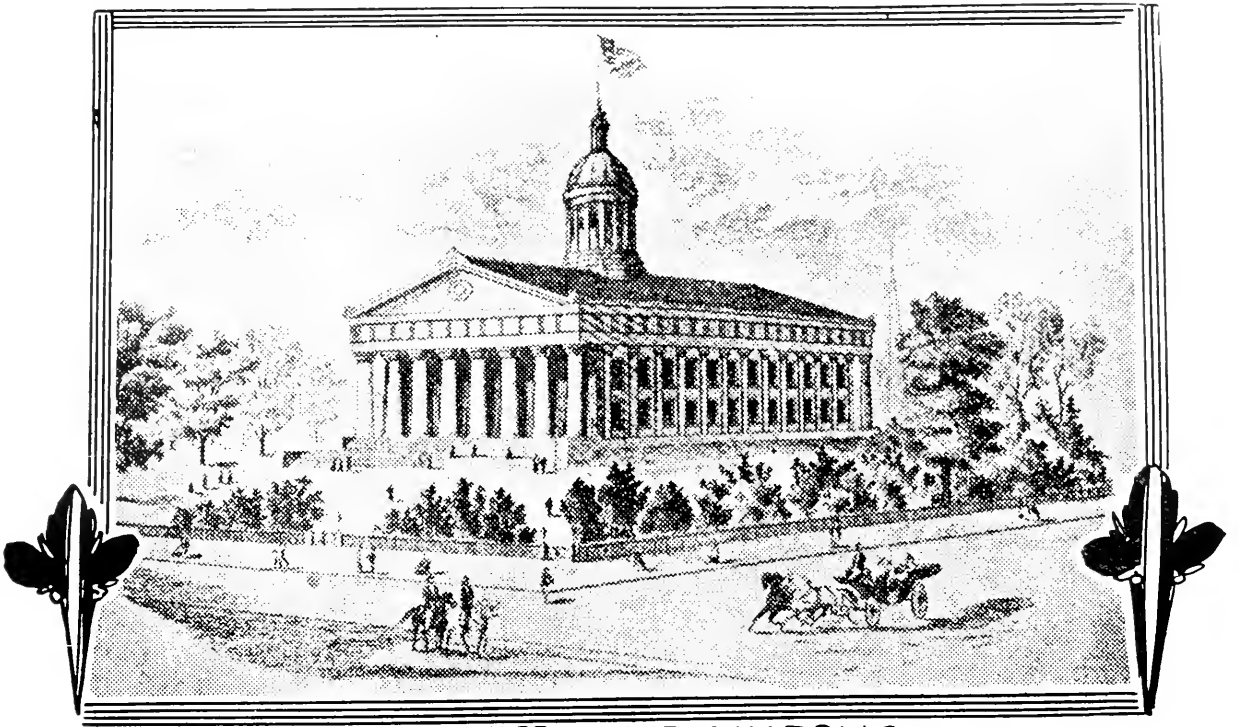
Judge Perkins never achieved the reputation as a lawyer held by previous members of the Supreme court. As stated above, his reputation was chiefly political. He was a prominent member of that band of young Democrats who succeeded in wresting the state from the control of the old Whig organization. He was a hard worker, devoting much of his attention to editorial work. A long and useful career was ahead of him at the end of his judicial term in 1853.

CHAPTER IX.

Docket Record of the Supreme Court, 1816-1846.

The following table is intended to show briefly the individual records of the lawyers as well as the Judges. Many interesting calculations are possible from this table. One can by comparisons from year to year determine whether a certain lawyer is improving or not. It is assumed that if all lawyers and trial Judges were perfect all judgments would be affirmed on appeal. A comparison of different years will show a curious variation in the percentage of reversals. Another comparison will show that some Supreme courts reversed a higher percentage of cases than others. A similar tabulation will show that some Judges reversed more cases in proportion than others. Likewise certain classes of cases run high in reversals. This latter fact is particularly noticeable with cases of debt during the hard times from 1840 to 1848.

By noting the column headed "Cause," one can see at a glance the character of the litigation most common. This changes noticeably with the growth and development of the state. By noting the column headed "County," one can see where the principal commercial activity of the state was going on. The general course of business development was from the Ohio river northward. One is surprised at the frequency of the appearance of some counties in the column and the infrequency of others. Few criminal cases were appealed and a remarkably large percentage of these were reversed. It is notable, however, that Governor Whitcomb, while prosecutor of the Fifth circuit, reduced this percentage sharply. An interesting comparison might be made to ascertain the percentage of successes and failures of the various attorneys as shown by this table. This would not be a conclusive proof of the relative merits of the attorneys, but it would be evidence of such standing. The table also shows how widely the circuit



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riders traveled, though it was not always true that the lawyers who tried the case on appeal were those who tried it in the first instance. It is also to be kept in mind that some lawyers appealed a far larger proportion of their cases than others. It should be kept in mind also that Judge Blackford did not report all the cases that came before the Supreme court, as is done at present.

With these brief remarks, the table is submitted in the belief that it will be of some interest to the attorneys of today. One can at least compare his experiences in the Supreme court with the experiences of his predecessors.

—1816—

(No decisions this year)

—1817—

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
R. Kidder	A. Lane	Switzerland	R.		Holman	Averil v. Dickirson.
A. Lane	A. Meek	Jefferson	A.		Scott	Woodburn v. Flemey.
R. Kidder	S. C. Stevens	Dearborn	R.	Award	Blackford	Mills v. Conner.

—1818—

A. Lane, R. Kidder	S. C. Stevens	Dearborn	R.	Award	Holman	Mills v. Conner.
R. Kidder	A. Lane	Dearborn	A.	Sale of House	Scott	Morgan v. Fencher.
J. H. Thompson	B. Ferguson	Clark	A.	Mal. Pros.	Curiam	Findley v. Buchanan.
H. Hurst, B. Ferguson	C. Dewey, H. Moore	Clark	R.	Note	Blackford	Bullitt v. Scribner.
A. Lane	A. Meek	Jefferson	A.	Debt	Holman	Cole v. Driskall.
H. Moore	C. Dewey	Clark	A.	Squatter	Scott	Boston v. Dodge.
J. H. Thompson	C. Dewey, D. Raymond	Washington	R.	Squatter	Holman	Goldsby v. Robertson.
R. E. Nelson, H. Hurst, H. Moore	Dewey, Ferguson, Raymond	Harrison	A.	Ejectment	Blackford	Smith v. Allen.
A. Lane		Franklin	R.	Debt	Blackford	Hamilla v. Knight.
M. Tabbs	C. Dewey	Knox	A.	Real Estate	Scott	Buntin v. Doe.
H. Moore, Dunbar		Harrison	R.	Riot	Holman	Wynn v. State.
A. Lane	R. Kidder	Dearborn	R.	Ejectment	Court	Jared v. Goodtitle.
D. Raymond		Gibson			Court	Brown v. Osborne.

—1819—

A. Meek, S. C. Stevens	C. Dewey	Jackson	A.	Gambling	Holman	Durham v. State.
D. J. Caswell	State	Jefferson	R.	Debt	Holman	Bond v. Patterson.
M. Tabbs		Knox	R.	Contract	Scott	Blackford v. Pettier.
D. Raymond, J. H. Thompson	State	Washington	R.	Burglary	Holman	Morris v. State.
C. Dewey	State	Crawford	R.	Retailing Liquor	Blackford	Sturgeon v. State.
C. Dewey		Knox	R.	Debt	Scott	Dougherty v. Campbell.
J. F. Ross	H. Moore, Dunbar	Jackson	A.	Debt	Holman	Crenshaw v. Bullitt.
R. Nelson, H. Hurst, H. Moore	C. Dewey, D. Raymond	Clark	R.	Ferry	Holman	Conner v. New Albany.
R. Nelson	W. P. Thomason	Harrison	R.	Note	Blackford	Jones v. Cooperider.
A. Lane	State	Dearborn	R.	Assault	Scott	Vanblaricum v. Ward.
Dunbar	H. Moore	Crawford	R.	Motion	Court	Heddy v. Fullen.

—1820—

A. Lane		Dearborn	R.	Debt	Holman	Cline v. Green.
D. J. Caswell	J. Test, A. Lane	Franklin	A.	Debt	Holman	John v. Clayton.
D. McDonald, M. Tabbs	C. Dewey, J. Call	Knox	R.	Trespass	Holman	Buntin v. Duchane.
R. E. Nelson	S. C. Stevens	Crawford	A.	Land	Scott	Tibbs v. Barker.
M. Tabbs, T. Blake	C. Dewey	Vigo	A.	Note	Holman	Lambert v. Blackman.
A. Kinney, M. Tabbs, D. McDonald	J. Call	Knox	R.	Slavery	Scott	State v. Lasselle.
Dewey, Caswell, McDonald	J. Test, A. Lane	Dearborn	A.	Murder	Blackford	Fuller v. State.
D. J. Caswell	J. Test	Franklin	A.	Debt	Scott	Bates v. Hunt.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
D. J. Caswell	J. Test	Franklin	R.	Note	Blackford	Gully v. Remy.
D. J. Caswell	A. Lane	Franklin	R.	Slander	Scott	Stout v. Wood.
R. E. Nelson	C. Dewey	Clark	R.	Bond	Blackford	Clark v. Goodwin.
R. E. Nelson		Harrison	R.	Bond	Holman	Penn'gton v. Gov. Jennings.
A. Lane	J. Test	Wayne	R.	Contract	Blackford	Knife v. Harrington.
D. J. Caswell	A. Lane	Dearborn	A.	Note	Scott	Vance v. F. & M. Bank.
A. Lane, G. H. Dunn	D. J. Caswell	Franklin	A.	Note	Scott	Piatt v. Eads.
A. Lane	D. J. Caswell, J. Test	Switzerland	R.	Bastardy	Scott	Protsman v. Bradley.
H. Hurst, W. P. Thomasson	C. Dewey, H. Moore	Harrison	A.	Slander	Scott	Shields v. Cunningham.
R. E. Nelson, H. Hurst, H. Moore	C. Dewey, I. Howk	Clark	R.	Trespass	Holman	Conner v. New Albany.
D. J. Caswell	A. Lane	Franklin	A.	Real Estate	Blackford	Gallion v. McCaslin.
R. E. Nelson		Floyd	R.	Crime	Scott	Redman v. State.
D. J. Caswell	J. Test	Fayette	A.	Note	Holman	Reed v. Beozely.
R. E. Nelson	D. J. Caswell	Washington	R.	Contract	Holman	Smith v. McCampbell.
J. Test	D. J. Caswell	Fayette	R.	Debt	Holman	Floyd v. Yandes.
J. Test	D. J. Caswell	Franklin	A.	Bank Check	Blackford	Glenn v. Noble.
D. J. Caswell	A. Lane	Franklin	R.	Rent	Blackford	Morris v. Knight.
J. Test	D. J. Caswell	Franklin	R.	Slavery	Scott	Flack v. Cunningham.
D. J. Caswell	J. Test	Wayne	R.	Bastardy	Blackford	Woodkirk v. Williams.

—1821—

D. J. Caswell	J. Test	Franklin	R.	Bond	Holman	Lewis v. Brackenridge.
C. Dewey	D. McDonald, M. Tabbs	Knox	A.	Ejectment	Scott	Duchane v. Goodtitle.
R. E. Nelson		Floyd	R.	Mortgage	Holman	Childs v. Eastman.
M. Tabbs, J. Call	C. Dewey	Knox	R.	Bond	Blackford	Batson v. Lasselle.
C. Dewey	J. Call	Knox	R.	Slavery	Holman	M. Clark v. G. W. Johnson.
D. J. Caswell	J. Test	Franklin	R.	Bond	Blackford	Osborne v. Reed.
R. E. Nelson	Isaac Howk	Clark	R.	Ejectment	Blackford	Fite v. Doe.
R. E. Nelson	H. Moore	Harrison	E.	Ejectment	Scott	Doe v. West.
J. Test	D. J. Caswell		R.	Mortgage	Scott	Clearwater v. Rose.
Isaac Howk	R. E. Nelson, C. Dewey	Clark	A.	Assault	Blackford	Palmer v. Crosby.
J. Sullivan	C. Dewey	Jefferson	R.	Bond	Blackford	Tannehill v. Thomas.
D. J. Caswell	J. Test	Fayette	A.	Debt	Holman	Cox v. Hunt.
J. Test	D. J. Caswell	Franklin	A.	Rent	Scott	Allen v. Woolery.
H. Hurst	C. Dewey	Knox	R.	Mortgage	Holman	Lasselle v. Barnett.
		Dearborn	R.	Ejectment	Scott	Jared v. Hill.

—1822—

D. J. Caswell, I. Howk	R. E. Nelson	Clark	A.	Real Estate	Scott	Henthorn v. Doe.
R. E. Nelson	C. Dewey, H. Moore	Harrison	A.	Bond	Blackford	Leavenworth v. Tipton.
R. E. Nelson	C. Dewey	Floyd	R.	Ferry	Scott	Conner v. Paxton.
C. Dewey, M. Tabbs	H. Moore	Knox	R.	Wheat	Holman	Ewing v. French.
J. Test	D. J. Caswell	Franklin	R.	Real Estate	Blackford	Leonard v. Bates.
A. Kinney	H. Hurst	Martin	R.	Note	Court	Savage v. Meriam.
D. J. Caswell	A. Lane	Switzerland	A.	Forcible Entry	Blackford	Moore v. Read.
I. Howk	J. H. Farnham	Clark	R.	Debt	Scott	Stute v. Murray.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
D. J. Caswell	J. Test	Franklin	R.	Note	Blackford	Hanna v. Pegg.
C. Dewey	J. Sullivan, R. E. Nelson	Jefferson	A.	Note	Holman	McClure v. Bennett.
H. Moore	D. J. Caswell	Fayette	A.	Perjury	Scott	Strong v. State.
S. C. Stevens, R. Kidder	H. Moore	Lawrence	A.	Counterfeiting	Court	Chess v. State.
D. J. Caswell	J. Test	Fayette	A.	Note	Blackford	Pumphrey v. Coleman.
D. J. Caswell	H. Moore	Fayette	A.	Bond	Holman	Adair v. State.
H. Moore	R. Kidder	Harrison	R.	Bond	Blackford	Dawson v. Shaver.
R. E. Nelson	C. Dewey	Floyd	R.	Injunction	Blackford	Conner v. Paxton.
A. Lane, J. Test	D. J. Caswell	Dearborn	A.	Ejectment	Blackford	Armstrong v. Jackson.
A. Lane, C. Dewey	D. J. Caswell	Dearborn	R.	Note	Scott	Horner v. Hunt.
A. Kinney	H. Moore	Washington	R.	Attach.	Holman	Foyles v. Kelso.
I. Naylor	C. Dewey	Owen	A.	Note	Holman	Hedges v. Gray.
J. H. Thompson, I. Naylor	I. Howk	Clark	R.	Paper Money	Blackford	Duerson v. Bellows.
J. H. Thompson, I. Naylor	I. Howk	Clark	R.	Debt	Holman	Clark v. Faulknor.
D. J. Caswell	J. Test	Franklin	R.	Bail	Holman	Lewis v. Brackenridge.
M. Tabbs		Knox		Chancery	Scott	Lasselle v. Moore.
I. Howk	J. F. Ross	Clark	R.	Taxes	Holman	Lemon v. Hay.
J. H. Thompson, I. Naylor	C. Dewey	Clark	R.	Debt	Scott	Heath v. Shelby.
D. J. Caswell	J. Test	Fayette	R.	Attach.	Holman	Simpson v. Minor.
Fitch	R. E. Nelson	Floyd	R.	Debt	Holman	Wilson v. Hickson.
I. Howk	J. F. Ross	Clark	R.	Bond	Scott	Weathers v. Newman.
C. Dewey	R. E. Nelson	Marion	R.	Debt	Holman	Osborne v. Fulton.

—1823—

C. Dewey	H. Moore	Knox	A.	Larceny	Holman	Minor v. State.
D. J. Caswell, R. E. Nelson	J. H. Farnham	Clark	A.	Attach.	Holman	Harlow v. Bicktle.
J. H. Thompson, I. Naylor	I. Howk	Clark	R.	Deed	Blackford	Peyton v. Bowell.
R. E. Nelson, D. J. Caswell	I. Howk	Clark	A.	Debt	Blackford	Reed v. Show.
J. F. Ross, R. E. Nelson	C. Dewey	Washington	R.	Debt	Scott	Goldsby v. Robinson.
J. Test	J. B. Ray	Union	R.	Debt	Blackford	Muchmore v. Bates.
J. Test, J. Rariden	D. J. Caswell	Wayne	R.	Mal. Prosecution	Scott	Usher v. Whitinger.
J. Test	D. J. Caswell	Dearborn	R.	Bond	Scott	Songer v. Manwaring.
I. Naylor	C. Dewey	Lawrence	R.	Mak. 2000 rails	Holman	Johnson v. Moore.
M. Tabbs	C. Dewey	Knox	A.	Trespass	Holman	Buntin v. Duchane.
M. Tabbs	C. Dewey	Knox	A.	Note	Scott	Johnson v. Dickson.
R. Kidder	W. Thomasson	Perry	A.	Slander	Holman	Wilcox v. Webb.
S. Hall		Gibson	A.	Tax Collector	Blackford	Gibson Co. v. Harrington.
D. J. Caswell	J. Test	Dearborn	A.	Real Estate	Blackford	Findley v. Cooley.
M. Tabbs, J. Test	Moore, Dewey, Nelson	Knox	A.	Quo Warranto	Holman	Vincennes Bank v. State.
J. B. Ray	John Test, D. J. Caswell	Fayette	R.	County Seat	Scott	Elwell v. Tucker.
H. Moore, J. W. Payne	R. Kidder	Harrison	R.	Debt	Blackford	Meylen v. Woodford.
J. Thompson, I. Naylor	R. E. Nelson	Clark	R.	Contract	Scott	Botterf v. Conner.
D. J. Caswell	John Test	Fayette	R.	Slander	Blackford	Templeton v. Clary.
S. Judah	C. Dewey	Knox	R.	Debt	Scott	McIntosh v. Chew.
D. J. Caswell	G. H. Dunn	Dearborn	R.	Replevin	Blackford	Martin v. Ray.

—1824—

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
R. Kidder	R. E. Nelson	Harrison	R.	Debt	Holman	Funkhouser v. Purdy.
R. E. Nelson	J. Thompson, I. Naylor	Clark	R.	Note	Holman	Coldren v. Miller.
M. Tabbs, S. Judah	C. Dewey	Knox	R.	Foreclosure	Holman	Lasselle v. Godfrey.
S. Judah	J. Rariden	Knox	R.	Will	Holman	Call v. Ewing.
S. Judah	M. Tabbs	Knox	R.	Debt	Scott	Colman v. Price.
R. E. Nelson	J. Rariden	Marion	A.	Mortgage	Scott	Crumbaugh v. Smock.
J. B. Ray	D. J. Caswell	Franklin	A.	Debt	Blackford	Hansel v. Morris.
J. B. Ray	H. Moore	Franklin	R.	Recognizance	Holman	Lyons v. State.
S. C. Stevens	H. Moore	Jefferson	R.	Debt	Holman	Deputy v. Tobias.
R. E. Nelson	H. Moore	Jackson	R.	Debt	Holman	Richards v. Carl.
Ph. Sweetser	R. E. Nelson	Marion	R.	Note	Holman	Smock v. Graham.
S. C. Stevens	R. E. Nelson	Jefferson	A.	Note	Scott	F. M. Bank v. Ross.
J. B. Ray, C. Fletcher	H. Moore	Madison	A.	Murder of Indian	Blackford	Hudson v. State.
H. Moore, J. Payne	R. E. Nelson	Harrison	R.	Note	Scott	Watson v. Cunningham.
S. Judah	M. Tabbs	Knox	R.	Unlawful Fees	Scott	Jones v. Buntin.
D. J. Caswell	H. Moore	Franklin	R.	Unlawful Fees	Scott	Roop v. State.
D. J. Caswell	R. E. Nelson	Franklin	R.	Foreclosure	Holman	John v. Hunt.
D. J. Caswell	J. B. Ray	Fayette	R.	Contract	Holman	McCarty v. Osborne.
M. Tabbs	S. Judah	Knox	A.	Misjoinder	Holman	Lagow v. Patterson.
R. E. Nelson, I. Howk	C. Dewey, J. H. Farnham	Clark	R.	Note	Blackford	Palmer v. Hughes.
S. Hall, R. Kidder	S. Judah	Gibson	R.	Slander	Blackford	Wheeler v. Rabb.

—1825—

Court Moved to Indianapolis

G. H. Dunn, D. J. Caswell	A. Lane	Dearborn	A.	Debt	Scott	Weaver v. Field.
I. Howk	J. Morrison	Clark	A.	Ejectment	Scott	Doe v. Chinn.
J. Rariden	O. H. Smith	Fayette	A.	Bond	Holman	McCarty v. State.
H. Moore	R. E. Nelson	Jackson	A.	Debt	Holman	Berry v. Marshall.
A. Lane	G. H. Dunn	Dearborn	A.	Damages	Blackford	Mettler v. Moore.
O. H. Smith	W. W. Wick	Fayette	R.	Note	Scott	Helm v. Van Fleet.
R. E. Nelson	Howk, Dewey, Farnham	Clark	R.	Bond	Holman	Goodwin v. Wilson.
O. H. Smith	J. Rariden	Fayette	R.	Note	Blackford	Van Fleet v. Adair.
J. Rariden	C. Fletcher	Marion	A.	Note	Holman	Henderson v. Reed.
I. Howk	H. Thornton	Scott	A.	Debt	Holman	Burch v. Whittington.
C. Dewey, S. Judah	M. Tabbs	Vigo	A.	Note	Holman	Huntington v. Colman.
P. Farnham, R. E. Nelson	C. Dewey	Clark	R.	Note	Scott	Fischli v. Cowan.
I. Howk, C. Dewey	J. H. Thompson, I. Naylor	Clark	A.	Ejectment	Holman	Jones v. Doe.
S. Judah	R. E. Nelson	Knox	R.	Debt	Blackford	Tisloe v. Graeter.
M. Tabbs, C. Dewey	S. Judah	Knox	A.	Debt	Blackford	Ewing v. French.
C. Battell	S. Hall	Vanderburg	R.	Salt	Scott	Kitchell v. Vanadar.
A. Lane, J. T. McKinney	O. H. Smith	Fayette	R.	Taxes	Holman	Wilson v. Lilly.
J. H. Thompson, I. Naylor	I. Howk	Clark	A.	Debt	Blackford	Thompson v. Wilson.
C. Dewey	R. E. Nelson	Clark	A.	Divorce	Holman	Fischli v. Fischli.
J. Rariden	O. H. Smith	Wayne	R.	Debt	Scott	Fugate v. Ferguson.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
W. W. Wick	Fletcher, Rariden, Caswell	Marion	R.	Debt	Blackford	Coe v. Givan.
O. H. Smith	D. J. Caswell	Fayette	A.	Slander	Holman	Henson v. Veach.
M. Tabbs	S. Judah	Knox	R.	Goods	Blackford	Buntin v. Lagow.
A. Lane	D. J. Caswell, G. Dunn	Dearborn	R.	Land	Holman	Armstrong v. Jackson.
O. H. Smith	C. Fletcher	Rush	R.	Affray	Holman	Klum v. State.
W. W. Wick	H. Brown	Marion	R.	Debt	Blackford	Taylor v. Walpole.
H. Moore, J. W. Payne	R. E. Nelson	Washington	A.	Title	Blackford	Clark v. Redman.
Ray, Wick, McKinney	J. Rariden	Wayne	A.	Usury	Holman	Crawford v. Harvey.
S. Merrill	Sam Hall	Vanderburg	A.	Note	Holman	Harrison v. Warner.
S. C. Stevens, D. J. Caswell	Sam Merrill	Switzerland	A.	Mortgage	Scott	Stevens v. Dufour.
S. Judah	M. Tabbs	Vigo	R.	Note	Blackford	Lambert v. Lagow.
W. W. Wick	C. Fletcher	Marion	R.	Larceny	Holman	Ross v. State.
I. Naylor	R. E. Nelson	Clark	R.	Debt	Holman	Braman v. Howk.
D. J. Caswell, R. E. Nelson	O. H. Smith	Clark	R.	Mur. (Slavery)	Holman	Jerry (colored) v. State.
S. Judah	I. Naylor	Daviess	R.	Bond	Blackford	Allen v. Thaxter.
A. Kinney, S. Judah	C. Dewey	Daviess	R.	Slander	Holman	Cefret v. Burch.
R. E. Nelson	I. Howk	Clark	A.	Debt	Blackford	Ridge v. Prather.
Ph. Sweetser	W. W. Wick	Marion	R.	Ferry	Blackford	Lang v. Scott.
J. Rariden	P. Sweetser	Marion	A.	Debt	Holman	Cranmer v. Graham.
R. E. Nelson	J. H. Farnham	Clark	R.	Trespass	Blackford	Ridge v. Wilson.
J. W. Payne	R. E. Nelson	Harrison	R.	Sale	Scott	Reed v. Carter.
D. J. Caswell	O. H. Smith	Franklin	R.	Debt	Blackford	Lewis v. Olliver.
J. H. Farnham, R. E. Nelson	C. Dewey, I. Naylor	Clark	R.	Sale	Scott	Meriwither v. Carr.
D. J. Caswell	O. H. Smith	Franklin	A.	Debt	Blackford	Graham v. Smith.
S. Judah		Vigo	R.	Notes	Scott	Puntenny v. Paddock.

—1826—

M. Tabbs, R. E. Nelson	S. Judah	Knox	A.	Steam Mill (C'y)	Scott	Lagow v. Badollet.
I. Howk, R. E. Nelson	C. Dewey, J. H. Farnham	Clark	A.	Mill	Blackford	Jackson v. Hughes.
S. Hall	C. Fletcher	Gibson	R.	Larceny	Blackford	Wilson v. State.
W. W. Wick	P. Sweetser, C. P. Hester	Hendricks	A.	Court seal	Holman	Hinton v. Brown.
W. W. Wick, H. Brown	C. Fletcher	Marion	A.	Larceny	Holman	Redman v. State.
S. Judah	M. Tabbs	Knox	R.	Ejectment	Scott	Harrison v. Doe.
M. Tabbs	C. Dewey, A. Kinney	Martin	A.	Note	Holman	Davis v. Clements.
I. Howk	Kingsbury	Clark	A.	Assault & Bat.	Holman	State v. McCory.
I. Naylor	W. W. Wick	Monroe	R.	Slander	Holman	Clark v. Ellis.
A. Lane		Franklin	A.	Trespass	Scott	Hays v. McKee.
S. Hall	M. Tabbs	Gibson	R.	Note	Holman	Barker v. McClure.
C. Dewey, I. Howk	Fletcher, Rariden, Nelson	Marion	A.	Debt	Blackford	McGruder v. Russell.
I. Naylor	W. W. Wick	Monroe	R.	Slander	Scott	Dukes v. Clark.
R. E. Nelson	Douglass	Jefferson	R.	Debt	Blackford	Meek v. Ruffner.
R. E. Nelson		Jefferson	A.	Bond	Blackford	Governor v. Strifling.
I. Naylor	I. Howk, C. Dewey	Clark	R.	Bond	Holman	Governor v. Shelby.
J. W. Payne	I. Naylor, R. E. Nelson	Jackson	R.	Ejectment	Blackford	Doe v. Naylor.
James Whitcomb	J. H. Farnham	Floyd	R.	Assault	Blackford	State v. Miller.

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Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
Brannan	R. E. Nelson	Jackson	R.	Debt	Scott	Reno v. Hollowell.
W. W. Wick	O. H. Smith	Fayette	R.	Note	Blackford	Harper v. Ragan.
S. Hall	I. Howk	Gibson	R.	Bastardy	Blackford	Harrigan v. Ferguson.
J. Rariden	O. H. Smith	Wayne	A.	Note	Holman	Harvey v. Crawford.
D. J. Caswell		Franklin	A.	Debt	Blackford	Capp v. Gilman.
M. Tabbs	S. Judah	Knox	R.	Debt	Blackford	Mills v. Knykendall.
S. Judah	M. Tabbs	Sullivan	A.	Debt	Scott	Eaton v. Benefield.
C. Dewey	I. Howk	Clark	A.	Debt	Holman	McDonald v. Beach.
Rowland, J. A. Farnham	R. E. Nelson	Washington	A.	Debt	Holman	Bosley v. Farquar.
S. Judah		Vigo	A.	Rent	Blackford	Harris v. McFadden.
J. H. Thompson, I. Naylor	I. Howk	Clark	A.	Will	Scott	Lutz v. Lutz.
P. Sweetser, W. W. Wick	C. Fletcher	Marion	A.	Debt	Holman	Neighbors v. Simmons.
P. Sweetser, W. W. Wick	C. Fletcher	Marion	A.	Debt	Blackford	Maguire v. Nowland.
C. Fletcher	H. Gregg	Marion	R.	Debt	Scott	Jamison v. Buckner.
Thornton, Thompson, Howk	R. E. Nelson	Scott	A.	Debt	Holman	White v. Rankin.
C. Fletcher	P. Sweetser, O. H. Smith	Rush	R.	Trespass	Blackford	Test v. Devers.
W. W. Wick	C. Fletcher	Shelby	A.	Debt	Holman	Cone v. Cotton.
W. W. Wick	C. Fletcher, H. Brown	Marion	R.	Account	Blackford	Sackett v. Wilson.
R. E. Nelson	J. H. Payne	Harrison	A.	Bond	Blackford	Mitchell v. Merrell.
M. Tabbs	S. Judah	Sullivan	A.	Bond	Scott	Booker v. Bowles.
R. E. Nelson	C. Fletcher	Marion	A.	Stray	Holman	Jamison v. Hendricks.
P. Sweetser	W. W. Wick	Johnson	A.	Trespass	Holman	Durham v. Musselman.
S. Judah	C. Dewey	Knox	R.	Account	Scott	Cilly v. Breckinridge.
R. E. Nelson	J. H. Payne	Floyd	R.	Account	Scott	Aborn v. Barnett.
T. A. Howard	J. Whitcomb	Dearborn	A.	Larceny	Scott	Holford v. State.
J. Rariden, P. Sweetser	J. Whitcomb	Rush	A.	Bond	Holman	Stigurs v. State.
W. W. Wick	P. Sweetser	Bartholomew	A.	Debt	Blackford	Holt v. Alloway.
R. E. Nelson	I. Naylor	Lawrence	R.	Title	Blackford	Cupps v. Irwin.
Fletcher, Hester, Gregg	J. Whitcomb	Hendricks	A.	Manslaughter	Blackford	Barlow v. State.

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W. W. Wick	C. Fletcher, H. Brown	Madison	A.	Note	Scott	Berry v. Bates.
S. Judah	C. Dewey, M. Tabbs	Vigo	A.	Deed	Holman	Modisett v. Lindley.
C. Fletcher	P. Sweetser	Madison	A.	Note	Blackford	Wynn v. Hiday.
H. Brown, H. Gregg	C. Fletcher	Hendricks	A.	Assault & Bat.	Scott	Patterson v. Kise.
S. Hall	S. Judah	Vanderburg	R.	Debt	Blackford	King v. Anthony.
G. H. Dunn	S. C. Stevens, A. Lane	Dearborn	R.	Trespass	Blackford	Ewill v. Conwell.
M. Tabbs	C. Dewey	Vigo	R.	Bond	Holman	Modisett v. Governor.
S. Judah, C. Dewey	M. Tabbs	Vigo	A.	Debt	Blackford	Lambert v. Sandford.
I. Naylor, C. Dewey	R. E. Nelson	Lawrence	R.	County Seat	Holman	Blackwell v. Board.
C. Dewey	S. Judah	Vermillion	R.	Contract	Scott	Justice v. Board.
W. W. Wick	J. Whitcomb	Morgan	A.	Selling Liquor	Holman	Townsend v. State
P. Sweetser, O. H. Smith	J. Rariden	Henry	R.	Trespass	Blackford	Levelling v. Leavell.
J. H. Thompson, R. E. Nelson	Farnham, Thornton	Scott	A.	Debt	Holman	Hoagland v. Moore.
H. Brown, H. Gregg	C. Fletcher, H. Brown	Marion	R.	Replevin	Blackford	Chinn v. Russell.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
Hester, Sweetser, Gregg	J. Whitcomb, C. Fletcher	Johnson	A.	Bch.of Contract	Blackford	Cutter v. Cox.
S. C. Stevens	A. Lane, O. H. Smith	Decatur	A.	Bond	Scott	McCoy v. Elder.
R. E. Nelson, J. H. Farnham	C. Dewey	Harrison	R.	Note	Holman	Mitchell v. Sheldon.
O. H. Smith	J. Rariden	Wayne	R.	Replevin	Blackford	Wright v. Matthews.
H. Brown	C. Fletcher	Marion	R.	Deed	Holman	Ungles v. Graves.
J. Rariden	G. H. Dunn	Wayne	R.	Bond	Scott	State v. McClane.
P. Sweetser	W. W. Wick, W. Herod	Bartholomew	A.	Seduction	Scott	Whalen v. Layman.
R. E. Nelson, J. H. Farnham	I. Howk	Jackson	R.	Slander	Scott	Crane v. Douglass.

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Caswell, Starr, Dunn	A. Lane, S. C. Stevens	Dearborn	R.	Trust	Blackford	Elliott v. Armstrong.
S. Judah	A. Kinney	Vigo	A.	Debt	Scott	Washburn v. State.
I. Howk	Nelson, Farnham	Jackson	A.	Partnership	Holman	Reno v. Crane.
J. Test	G. H. Dunn	Dearborn	A.	Debt	Holman	Miller v. Farrar.
A. Kinney	J. Whitcomb	Owen	A.	Deed	Scott	Gaildty v. Board.
C. Dewey	A. Kinney	Vigo	A.	Bond	Holman	Hotchkiss v. Lyons.
R. E. Nelson	J. H. Farnham	Floyd	R.	Real Estate	Blackford	Wilson v. Oatman.
J. Whitcomb	C. P. Hester	Owen	R.	Bond	Holman	State v. Cooper.
D. J. Caswell, Starr	Dunn, Lane, Stevens	Dearborn	A.	Note	Scott	Jackson v Cullom.
J. Rariden	D. J. Caswell	Franklin	A.	Ejectment	Blackford	Brown v. Wyncoop.
S. C. Stevens	G. H. Dunn	Ripley	R.	Debt	Holman	Smith v. Smith.
O. H. Smith	G. H. Dunn	Union	R.	Ejectment	Blackford	Doe v. Newland.
H. Gregg	C. Fletcher, H. Brown	Marion	A.	Lease	Scott	Alcorn v. Harmonson.
H. Brown	C. Fletcher, H. Gregg	Marion	R.	Debt	Scott	Lefavour v. Yandes.
C. P. Hester, H. Gregg	J. Whitcomb	Owen	A.	Debt	Blackford	Evans v. Shoemaker.
H. Brown, S. Merrill	Wick Fletcher, Gregg	Marion	A.	Slander	Scott	Wilson v. Harding.
J. Rariden	O. H. Smith	Union	R.	Mortgage	Blackford	Youse v. McCreary.
C. Dewey, I. Naylor	J. H. Farnham	Clark	R.	Will	Scott	Naylor v. Moody.
J. Whitcomb	W. W. Wick	Decatur	A.	Retailing	Holman	State v. Rackley.
J. Whitcomb	D. J. Caswell	Marion	R.	Gaming	Holman	State v. Albertson.
G. H. Dunn	D. J. Caswell	Dearborn	A.	Note	Blackford	Vattier v. Roberts.
O. H. Smith	McKinney, Morris, Perry	Union	R.	Ejectment	Scott	Ray v. Roe.
J. H. Thompson	S. C. Stevens	Washington	R.	Mal. Pros.	Scott	McNeely v. Driskell.
H. Brown, C. P. Hester	C. Fletcher, H. Gregg	Hendricks	R.	Title	Holman	Taylor v. McCracken.
C. Fletcher	W. W. Wick	Marion	A.	Trespass	Scott	Logan v. Siggerson.
W. W. Wick	S C. Stevens	Decatur	A.	Bond	Holman	Chinn v. Perry.
J. Law, A. Kinney	S. Judah, C. Dewey	Martin	R.	Debt	Holman	Shilmer v. Thompson.
S. C. Stevens	I. Howk, J. Sullivan	Jefferson	R.	Bond	Blackford	Sheets v. Andrews.
S. C. Stevens	W. W. Wick	Ripley	R.	Perjury	Holman	Weathers v. State.
A. Lane, C. Fox	Wm. Morris	Franklin	R.	Partnership	Blackford	Pegg v. Davis.
Wick, Morris, Starr, Caswell	J. McKinney, O. H. Smith	Franklin	A.	Slander	Holman	Gordon v. Spencer.
I. Howk, C. Dewey	J. H. Thompson	Clark	R.	Bond	Holman	Shelby v. Governor.
I. Howk	S Hall	Posey	R.	Debt	Holman	O'Brien v. Daniel.
C. Dewey, A. Kinney	T. C. Cone	Parke	R.	Slander	Blackford	Swan v. Rary.

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Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. McKinney, C. H. Test	W. W. Wick	Decatur	A.	Title	Blackford	Frakes v. Brown.
Hall, Dewey, Law, Judah	I. Howk	Gibson	A.	Chancery	Blackford	Taylor v. Owens.
Hall, Dewey, Law, Judah	I. Howk	Knox	A.	Monopoly	Holman	Taylor v. Moffatt.
I. Howk	J. H. Thompson	Clark	A.	Debt	Holman	Kimball v. Gerry.
C. Fletcher, S. Merrill	H. Brown	Marion	A.	Debt	Holman	Schwill v. Givan.
H. Brown	P. Sweetser	Marion	R.	Title Bond	Blackford	Pence v. Smock.
W. W. Wick	C. Fletcher, H. Brown	Johnson	A.	Adultery	Blackford	State v. Pence.
J. H. McKinney, W. Morris	S. C. Stevens	Franklin	A.	Note	Holman	Kimble v. Adair.
H. Brown	C. Fletcher, S. Merrill	Marion	R.	Debt	Blackford	Vanblaricum v. Yeo.
O. H. Smith	J. Rariden	Fayette	A.	Inheritance	Holman	Green v. Vardiman.
J. Whitcomb, H. Gregg	C. P. Hester	Owen	R.	Note	Blackford	Cowgill v. Wooden.
S. C. Stevens	H. P. Thornton	Scott	R.	Bond	Scott	State v. Hicks.
J. Sullivan, J. H. Farnham	S. C. Stevens	Jefferson	A.	Debt	Holman	Blaney v. Findley.
J. Rariden	O. H. Smith	Wayne	A.	Accounts	Scott	Knipe v. Knipe.
J. McKinney, D. J. Caswell	W. R. Morris	Franklin	A.	Debt	Franklin	Allen v. Clark.
I. Howk, R. E. Nelson	J. H. Farnham	Floyd	R.	Note	Scott	Elderkin v. Schultz.
S. Hall, C. Dewey	C. I. Battell	Perry	R.	Ejectment	Holman	Ricks v. Doe.
C. Dewey, S. Hall	R. Crawford	Perry	A.	Note	Blackford	Elder v. Lasswell.
W. W. Wick	C. Fletcher, S. Merrill	Carroll	R.	Note	Scott	Merriman v. Maple.
I. Naylor	S. Merrill	Owen	R.	Bastardy	Holman	Hagaman v. Stafford.
O. H. Smith	J. Rariden	Wayne	R.	Debt	Holman	Moore v. Martindale.
A. Kinney	J. Farrington	Vigo	A.	Damages	Blackford	Rawley v. Board.
S. C. Stevens	C. Fletcher, S. Merrill	Shelby	R.	Debt	Blackford	Kipper v. Glancy.
W. W. Wick	J. Whitcomb	Putnam	R.	Debt	Blackford	Gidewell v. McGanbey.
C. Fletcher, S. Merrill	A. S. White	Tippecanoe	A.	Trespass	Blackford	McClellan v. Hubbard.
I. Howk	C. Dewey	Orange	R.	Note	Scott	Bowles v. Newby.
O. H. Smith	J. Rariden	Rush	R.	Debt	Scott	Pugh v. Bussell.
C. H. Dunn, D. J. Caswell	S. Stevens, M. Stapp	Dearborn	A.	Debt	Holman	John v. F. & M. Bank.
Fletcher, Merrill, Gregg	H. Brown, W. W. Wick	Marion	R.	Debt	Holman	Yandes v. Lefavour.
H. Brown	C. Fletcher, S. Merrill	Marion	R.	Notes	Blackford	McCreary v. Fike.
J. McKinney, D. J. Caswell	W. R. Morris	Franklin	A.	Estate	Holman	Brackenridge v. Holland.
O. H. Smith, J. Rariden	J. T. McKinney	Franklin	A.	Debt	Blackford	Porter v. Brackenridge.

James Scott and Jesse L. Holman were superseded by Stephen C. Stevens and John T. McKinney.

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C. P. Hester	I. Naylor	Owen	R.	Debt	Stevens	Evans v. State.
J. Perry	J. Rariden	Union	A.	Title	McKinney	Arnold v. Style.
O. H. Smith	J. Rariden	Rush	R.	Debt	Stevens	Pugh v. Russell.
Henry Cooper	J. Rariden	Allen	A.	Trespass	Blackford	Wilson v. Coles.
T. C. Coe	J. Farrington	Vigo	A.	Contract	McKinney	J. Conies v. Beard.
O. H. Smith	J. T. Brown	Decatur	R.	Divorce	Stevens	Tolen v. Tolen.
S. Judah	A. Kinney	Sullivan	A.	Debt	McKinney	Simonds v. Colvert.
E. Huntington, T. C. Coe	J. Farrington, A. Kinney	Vigo	R.	Replevin	Stevens	Dee v. Ryan.
C. P. Hester	A. Kinney	Parke	R.	Note	Blackford	Howell v. Wilson.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
C. P. Hester	I. Naylor	Owen	R.	Debt	McKinney	Kelly v. Duignan.
S. Judah	S. Hall	Knox	R.	Debt	Stevens	O'Brien v. Coulter.
J. H. Farnham	C. Dewey	Orange	R.	Title	Blackford	Lindley v. Cravens.
S. Hall	S. Judah, C. Battell	Gibson	R.	Damages	McKinney	Hall v. Rogers.
A. Kinney, C. Dewey	J. Farrington, S. Judah	Vigo	R.	Debt	Stevens	Modisett v. Johnson.
Brown, Morrison, Caswell	C. Fletcher, H. Gregg	Marion	R.	Note	Blackford	Jamison v. Graves.
Crawford, Hall	S. Judah, C. Battell	Posey	R.	Trespass	Stevens	Doe v. Owen.
J. H. Farnham	I. Howk	Washington	R.	Slander	McKinney	Scott v. Mortsinger.
O. H. Smith	W. W. Wick	Rush	R.	Debt	Stevens	Morris v. Price.
A. Kinney	S. Judah	Martin	R.	Debt	Stevens	Johnson v. Hawkins.
C. Fletcher, H. Gregg	W. W. Wick	Hendricks	A.	Debt	Blackford	Sims v. Givan.
C. Battell, S. Hall	S. Judah	Posey	A.	False Impris.	McKinney	Lurton v. Carson.
I. Howk, O. H. Smith	J. Sullivan	Jefferson	A.	Debt	McKinney	Picquit v. McKay.
D. J. Caswell	A. Lane, J. Holman	Dearborn	R.	Title	Blackford	Longworth v. Conwell.
P. Sweetser	Brown, Herod, Lane	Bartholomew	R.	Murder	Stevens	Jones v. State.
A. Kinney	C. Fletcher	Montgomery	A.	Note	McKinney	Raburn v. Shortridge.
J. Whitcomb	H. Brown	Owen	R.	Retailing	McKinney	Pennybaker v. State.
S. Judah	A. Kinney	Knox	R.	Debt	McKinney	Bruner v. Manville.

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J. Farnham	J. Thompson, I. Naylor	Washington	R.	Dower	McKinney	McMahan v. Kimball.
P. Sweetser	C. Fletcher, H. Gregg	Bartholomew	A.	Debt	Stevens	Gwinn v. Hubbard.
S. Judah	J. Farrington	Sullivan	R.	Note	Blackford	Wasson v. Gould.
O. H. Smith	J. Rariden, D. Wallace	Rush	R.	Debt	McKinney	Smith v. Brown.
J. Whitcomb	C. P. Hester	Monroe	R.	Debt	Court	Wayman v. Hardin.
W. W. Wick, T. H. Blake	W. M. Jenners	Tippecanoe	A.	Debt	Stevens	Hartu v. Seaman.
J. Whitcomb	H. Brown	Greene	R.	Larceny	McKinney	Pitts v. State.
G. H. Dunn	A. Lane	Dearborn	A.	Debt	Blackford	McKinney v. Bellows.
W. W. Wick, J. Rariden	O. H. Smith, A. S. White	Cass	R.	Debt	Stevens	Hanna v. Ewing.
P. Sweetser	Brown, Herod, Lane	Bartholomew	R.	Murder	Stevens	Jones v. State.
J. Farrington	A. Kinney	Vigo	R.	Debt	Blackford	Brown v. Benight.
H. Brown	A. Lane	Dearborn	R.	Bond	Blackford	State v. Armstrong.
C. Fletcher	H. Gregg	Marion	A.	Contract	Stevens	Farley v. Smith.
S. Judah	A. Kinney	Martin	A.	Debt	Blackford	Hawkins v. Johnson.
O. H. Smith, M. M. Ray	J. Rariden	Wayne	R.	Office	Stevens	Hoover v. Hanna.
C. Fletcher	H. Brown, W. Quarles	Madison	R.	Damages	Blackford	Hiday v. Gilmore.
C. Fletcher	C. Battell	Dubois	R.	Title	Blackford	Harbison v. Lemon.
H. Brown	C. Fletcher	Hamilton	A.	Extortion	Blackford	State v. Coggswell.
S. Judah	S. Hall, C. Battell	Posey	R.	Debt	Blackford	Wilburn v. Larkin.
P. Sweetser, J. Whitcomb	H. Gregg	Bartholomew	R.	Note	Blackford	Hagar v. Mounts.
H. Cooper	J. Rariden	Allen (Pro.)	R.	Debt	Stevens	Cooper v. Thatcher.
C. Dewey	J. Thompson, I. Naylor	Clark	A.	Apprenticeship	McKinney	Sackett v. Johnson.
O. H. Smith	S. Merrill	Switzerland	R.	Rent	Stevens	Givan v. Blann.
J. Sullivan, I. Howk	A. C. Griffith	Jackson	R.	Award	Blackford	Hamilton v. Wort.
J. H. Farnham	C. Dewey, I. Naylor	Lawrence	R.	Bond	McKinney	State v. Flinn.
J. Whitcomb	P. Sweetser	Bartholomew	A.	Title	Stevens	Way v. Lyon.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
I. Howk	I. Naylor, J. H. Thompson	Clark	R.	Rent	Blackford	Chesround v. Cunningham.
J. Rariden	O. H. Smith	Rush	A.	Damages	McKinney	Anthony v. McCall.
E. Huntington, C. Dewey	S. Judah	Knox	R.	Debt	Stevens	Stevens v. Becker.
C. Dewey	J. H. Farnham	Clark	R.	Debt	Blackford	Naylor v. Moody.
J. H. Farnham	C. Dewey	Washington	A.	Debt	McKinney	Nelson v. Zink.
I. Howk	J. H. Thompson, I. Naylor	Clark	R.	Debt	Stevens	Nicholson v. Carr.
H. Cooper	J. Rariden	Allen	A.		Court	Moore v. Ayres.
C. Fletcher	H. Gregg	Shelby	R.	Bond	Stevens	Andress v. State.
C. Dewey, I. Howk	J. H. Thompson, I. Naylor	Clark	R.	Carding Machine	Stevens	Taffe v. Warnick.
A. Lane, G. H. Dunn	W. W. Wick	Decatur	A.	Debt	Blackford	Demaree v. Driscoll.
J. Perry, H. Gregg	O. H. Smith, J. Rariden	Henry	A.	Militia Fines	Stevens	State v. Leavell.
C. Fletcher, C. Battell	S. Hall, E. Embree	Vanderburg	A.	Trespass	Blackford	Wood v. Mansell.
A. Griffith	J. Sullivan	Jackson	R.	Note	Stevens	Patterson v. Salmon.
P. Sweetser	C. Fletcher, H. Gregg	Morgan	R.	Title	Blackford	Mosier v. Smith.
W. W. Wick	O. H. Smith	Rush	A.	Debt	Court	Phillips v. Nicholas.
O. H. Smith	J. Rariden	Rush	R.	Note	Stevens	Cassady v. Loughlin.
E. Huntington, A. Kinney	J. H. Farnham	Martin	A.	Fish Dam	Blackford	Tyrrell v. Lockhart.
H. Brown	J. Scott	Marion (P.)	A.	Debt	McKinney	Sinks v. English.
O. H. Smith	J. Rariden	Union	R.	Note	Stevens	Rouson v. Moffett.
D. Caswell	G. H. Dunn	Dearborn	R.	Replevin	Blackford	Fitch v. Dunn.
J. Rariden	J. Perry	Randolph	R.	Debt	Blackford	Cox v. Way.
T. C. Cone	J. Farrington	Vigo	A.	Note	Blackford	McCaskey v. Deming.
C. Dewey, I. Howk	J. H. Thompson	Harrison	A.	Debt	McKinney	Holcroft v. Hunter.
J. H. Farnham	I. Howk	Washington	A.	Note	Blackford	Johnson v. Baird.
H. Brown, W. W. Wick	C. Fletcher	Madison	A.	Mal. Prosecu.	Blackford	Rogers v. Lamb.
H. Brown	Fletcher, Merrill, Gregg	Marion	R.	Election	McKinney	Noue v. Bradley.
C. Fletcher, W. Jenners	A. S. White	Tippecanoe	A.	Note	McKinney	Bradfield v. McCormick.
O. H. Smith, J. Rariden	M. M. Ray, J. Perry	Wayne	A.	Contract	McKinney	Chun v. Howard.

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J. H. Farnham	H. P. Thornton	Washington	R.	Debt	McKinney	Farnham v. Hay.
C. Fletcher	A. Kinney	Fountain	R.	Debt	Stevens	Huston v. Williams.
J. H. Farnham	I. Howk	Washington	A.	Contract	Stevens	Johnson v. Baird.
J. B. Ray	S. Hall	Pike	A.	Slander	McKinney	Cummins v. Butler.
H. Gregg	P. Sweetser	Morgan	R.	Mill-dam	Stevens	Cox v. State.
R. Crawford	C. Battell	Posey	A.	Debt	Blackford	Aldridge v. Burlison.
M. M. Ray	H. Gregg	Rush	A.	Divorce	McKinney	Christianberry v. Christianberry.
J. Rariden	O. H. Smith	Fayette	R.	Debt	Stevens	Hubble v. Hubble.
J. Rariden	C. Ewing	Cass	A.	Note	Blackford	Eldridge v. Folwell.
H. Gregg	H. Brown	Johnson	R.	Assembly	McKinney	State v. Bailey.
W. W. Wick, W. Quarles	C. Fletcher, H. Brown	Marion	R.	Mal. Pros.	Stevens	Turpin v. Remy.
J. B. Ray, J. Eccles	Fletcher, Wick, Brown	Hendricks	A.	Mal. Pros.	Blackford	Conduit v. Ducken.
J. Rariden	M. M. Ray	Delaware	A.	Mill-dam	McKinney	Trimble v. Gilbert.
R. Crawford	S. Hall	Gibson	R.	Assault & Bat.	Stevens	Fullerton v. Warrick.
Dewey, Griffith, Farnham	J. Sullivan	Jackson	A.	Debt	Blackford	Crane v. Beem.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. B. Ray, J. Eccles	Fletcher, Brown, Wick	Hancock	R.	Slander	McKinney	Shirley v. Hogar.
J. Farnham	C. Dewey	Harrison	R.	Debt	McKinney	Powers v. Hurst.
I. Howk	Dewey, Naylor, Thompson	Clark	R.	Note	Stevens	Stutsman v. Stutsman.
A. Lane	G. H. Dunn, O. H. Smith	Dearborn	A.	Debt	Blackford	Platt v. Judson.
J. B. Ray, J. Eccles	W. Quarles, H. Gregg	Hendricks	R.	Debt	McKinney	Pollard v. Buttery.
W. W. Wick	C. Fletcher	Shelby	R.	Mal. Pros.	Stevens	Adams v. Lisher.
J. Sullivan	G. H. Dunn, D. Caswell	Dearborn	A.	Debt	Blackford	Dugan v. Vattier.
O. H. Smith, J. Rariden	M. M. Ray	Wayne	R.	Debt	Stevens	Haworth v. Fisher.
J. Rariden	O. H. Smith	Wayne	A.	Debt	Blackford	Armstrong v. Smith.
J. Whitcomb	J. Farrington	Vigo	R.	Note	Stevens	Barnes v. Modisett.
D. Wallace	I. Naylor	Fountain	R.	Bond	Stevens	Pegg v. Treasurer.
A. S. White, I. Naylor	D. Wallace	Fountain	R.	Debt	Stevens	Crouch v. Martin.
J. Farnham, H. Thornton	C. Dewey	Harrison	R.	Jury	Stevens	Mitchell v. Likens.
J. Farnham	C. Dewey	Harrison	R.	Debt	Stevens	Mitchell v. Denby.
P. Sweetser	W. Herod	Bartholomew	R.	Note	McKinney	Hagar v. Mounts.
C. Fletcher, W. M. Jenner	A. S. White	Tippecanoe	R.	Replevin	Stevens	Clark v. Fraley.
G. H. Dunn	D. J. Caswell	Dearborn	R.	Note	McKinney	Tousey v. Shook.
J. Whitcomb, S. Judah	C. Dewey	Knox	A.	Debt	Stevens	Judah v. McNamee.
J. Whitcomb	J. Farrington	Vigo	R.	Note	Blackford	Arnold v. Brown.
J. Rariden	O. H. Smith	Wayne	A.	Debt	Stevens	Martindale v. Moore.
J. Test, A. Lane	G. H. Dunn	Ripley	R.	Debt	Blackford	Muir v. Craig.
W. Herod	J. Whitcomb	Vermillion	R.	Gaming	McKinney	State v. Dole.
J. Farnham	H. P. Thornton	Clark	R.	Note	Stevens	Martin v. Densford.
A. S. White, C. Dewey	J. Whitcomb	Parke	A.	Slander	Blackford	Swain v. Rary.
J. Rariden	O. H. Smith	Rush	R.	Slander	McKinney	Kent v. David.
D. Wallace, J. Whitcomb	A. White, J. Farnham	Parke	A.	Trespass	Blackford	Mann v. Clifton.
W. Herod	J. Whitcomb	Vermillion	R.	Gaming	McKinney	State v. Bougher.
C. Dewey	J. Farrington	Vigo	R.	Debt	Stevens	Jordan v. Turner.
J. Whitcomb	J. Farrington	Vermillion	A.	Debt	McKinney	Carter v. Buckner.
J. Rariden, O. H. Smith	M. M. Ray	Wayne	R.	Rent	McKinney	Bryan v. Fisher.
P. Sweetser, B. Bull	C. Fletcher	Morgan	R.	Note	Stevens	Hays v. Lanier.
C. Fletcher	S. Merrill, J. H. Scott	Marion	R.	Debt	Blackford	Judah v. Dyott.
J. H. Thompson	W. Herod	Clark	R.	Theft	Stevens	Hogg v. State.
J. Rariden	J. Perry	Randolph	A.	Contract	Stevens	Cox v. Way.

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C. Fletcher	W. W. Wick, H. Brown	Morgan	R.	Mal. Impris.	Stevens	Allan v. Wheatley.
W. W. Wick	W. Herod	Hendricks	A.	Adultery	Blackford	Kearns v. State.
O. H. Smith	J. Perry	Rush	R.	School Tax	Stevens	Morrow v. Seaman.
J. Perry	O. H. Smith	Union	R.	Debt	McKinney	Hollingsworth v. Bates.
P. Sweetser	W. Herod	Morgan	R.	Bond	Stevens	Long v. State.
W. Herod	O. H. Smith	Rush	R.	Cow	Blackford	State v. Merrill.
J. B. Ray, J. Eccles	Wick, Brown, Scott	Marion	R.	Replevin	Blackford	Parsley v. Huston.
H. Cooper	D. Wallace	Allen	R.	Bond	Stevens	State v. Hood.
J. B. Ray, C. Dewey	Fletcher, Brown, Quarles	Marion	A.	Debt	Blackford	Sinard v. Patterson.
W. W. Wick	C. Fletcher, O. Butler	Shelby	R.	Attachment	McKinney	Summers v. Glancy.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
W. W. Wick	H. Brown	Marion	R.	Debt	Blackford	Hall v. Johnson.
J. Perry	O. H. Smith	Rush	A.	Debt	McKinney	Bastion v. Dalrymple.
W. W. Wick	C. Fletcher	Marion	R.	Note	Blackford	Hoyt v. Reed.
W. W. Wick	C. Fletcher	Hancock	R.	Attachment	McKinney	Tyner v. Gapin.
P. Sweetser	W. W. Wick, O. Butler	Shelby	R.	Bond	Stevens	Titus v. Scantling.
R. Crawford, H. H. Moore	C. Dewey	Harrison	A.	Land	Blackford	Reed v. Carter.
I. Naylor	C. Hester	Owen	A.	Debt	McKinney	State v. Evans.
J. Whitcomb	J. Farrington	Vermillion	R.	Debt	Blackford	Brown v. Modisett.
O. H. Smith	G. H. Dunn, J. Test	Franklin	R.	Slander	Blackford	Throgmorton v. Davis.
I. Naylor	C. Hester	Owen	A.	Note	McKinney	Duignan v. Wyatt.
I. Naylor	C. Hester	Owen	A.	Debt	Blackford	Johnson v. Harris.
J. Rariden	O. H. Smith	Rush	A.	Debt	McKinney	Phillips v. Bradbury.
O. H. Smith	J. Perry	Union	R.	Seminary	Blackford	Mitchell v. State.
H. Thornton, J. Farnham	C. Dewey, A. C. Griffith	Jackson	R.	Ejectment	Blackford	Ward v. Crane.
C. Fletcher	E. Embree, W. Quarles	Posey	A.	Arbitration	Blackford	Jacobs v. Moffatt.
H. Cooper	G. H. Dunn, D. Colerick	Union	R.	Debt	McKinney	Shirkey v. Hanna.
C. Hester	A. S. White	Parke	R.	Note	Blackford	Dowdel v. Aston.
H. Cooper	D. Colerick	Allen	R.	Assault & Bat.	Stevens	Lewis v. Hoover.
P. Sweetser	W. W. Wick, C. Fletcher	Morgan	A.	Slander	McKinney	Hays v. Allen.
J. Perry	O. H. Smith	Rush	A.	Horse	Stevens	Parker v. Bussell.
C. Fletcher	H. Brown	Marion	R.	Rent	Blackford	Smith v. Harris.
D. Wallace	A. S. White, I. Naylor	Montgomery	A.	Baronche	McKinney	McConnell v. Maxwell.
A. S. White, R. A. Lockwood	J. B. Ray	Boone	A.	False Impris.	Stevens	Poulk v. Slocum.
J. Morrison	J. H. Scott	Marion	R.	Prison Bounds	Blackford	Martin v. Kennard.
S. Judah	C. Dewey, C. Battell	Posey	R.	Debt	Stevens	Taylor v. Hillyer.
J. H. Thompson	C. Dewey	Lawrence	R.	Stealing Corn	Blackford	Chess v. Kelly.
O. H. Smith	J. Rariden	Wayne	A.	Mortgage	McKinney	Andrews v. Jones.
J. Rariden, J. Newman	M. M. Ray	Wayne	A.	Note	McKinney	Adamson v. Lamb.
J. Thompson, I. Naylor	C. Dewey	Clark	A.	Bond	Stevens	Ingram v. Plasket.
C. Fletcher, W. Quarles	J. Morrison	Marion	R.	Mortgage	McKinney	Wernway v. Brown.
O. H. Smith	J. Rariden, M. M. Ray	Union	R.	Debt	Blackford	Newland v. Nees.
W. W. Wick, C. Fletcher	J. Morrison, H. Brown	Marion	A.	Tavern	McKinney	Henderson v. Bates.
S. Judah	C. Dewey, J. Law	Daviess	R.	Debt	Stevens	Ennis v. Waller.
P. Sweetser	A. S. White, D. Wallace	Parke	R.	Slander	Blackford	McClemery v. Keller.
H. Thornton, A. C. Griffith	J. Scott	Scott	A.	Hogs	Stevens	Dorman v. Elder.
H. Thornton	J. Thompson	Harrison	R.	Debt	Blackford	Mitchell v. Porter.
C. Cooper	D. H. Colerick, M. M. Ray	Randolph	A.	Debt	Blackford	Archer v. Board.
J. Thompson, O. H. Smith	C. Dewey	Jackson	R.	Note	McKinney	Abel v. Burgett
C. Fletcher, W. Quarles	J. Eccles, C. C. Nave	Hendricks	A.	Debt	Blackford	Thom v. Tylor.

—1835—

C. [illegible] D. McDonald	W. Herod	Martin	R.	Bond	Stevens	Raby v. Governor
P. [illegible]	C. Fletcher, W. W. Wick	Johnson	A.	Trover	Blackford	Cook v. Thompson
A. S. [illegible]	W. W. Wick	Tippecanoe	R.	Debt	Stevens	Doubleday v. Makepeace.
I. P. [illegible]	J. Morrison	Hendricks	A.	Rent	Blackford	Richardson v. Vice.
W. W. W[illegible] J. Morrison	C. Fletcher	Hendricks	R.	Horses	Stevens	McGee v. Givan.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Dumont	J. Sullivan	Switzerland	R.	Debt	Blackford	Hawkins v. Johnson.
O. H. Smith	J. Rariden	Fayette	R.	Debt	McKinney	DeCamp v. Stevens.
E. Huntington	J. Taylor	Vigo	R.	Title	Stevens	Watson v. Williams.
O. H. Smith	J. Ryman	Fayette	A.	Spining Mach.	Blackford	Hawkins v. Ingals.
J. Rariden, J. Newman	C. B. Smith, D. Kilgore	Delaware	R.	Bastardy	Blackford	Trimble v. State.
J. H. Scott	C. Fletcher	Hancock	R.	Arbitration	Stevens	Dickinson v. Hays.
W. Herod	D. Colerick	Allen	R.	Liq. to Indians	Blackford	State v. Jackson.
D. Colerick	H. Cooper	Allen	R.	Debt	Blackford	Hughes v. Walker.
J. Perry, S. Bigger	J. Rariden	Union	R.	Will	Stevens	Irving v. McLean.
C. Hester	I. Naylor	Owen	A.	Debt	Blackford	Evans v. Adams.
J. Rariden	J. Perry, M. M. Ray	Randolph	A.	Note	Stevens	Kernodle v. Hunt.
J. H. Scott	C. Fletcher	Marion	R.	Election Bet	McKinney	McHatton v. Bates.
J. Sullivan, J. Test	G. H. Dunn	Dearborn	R.	Title	Blackford	Conwell v. Evill.
D. J. Caswell	W. Herod	Dearborn	A.	Assault & Bat.	McKinney	Vattier v. State.
J. Ryman	G. Holland	Franklin	R.	Will	Stevens	Raymond v. Simonson.
P. Sweetser	C. Fletcher, O. Butler	Shelby	A.	Debt	Blackford	Titus v. Scantling.
P. Sweetser	C. Fletcher, O. Butler	Shelby	R.	Title	Stevens	Johnston v. Glancy.
A. S. White, D. Wallace	W. Herod	Montgomery	A.	Robbery	Blackford	McGregg v. State.
P. Sweetser	W. Herod	Bartholomew	A.	Selling Liquor	McKinney	Beall v. State.
J. Rariden	O. H. Smith	Rush	R.	Note	Stevens	Cowger v. Gordon.
J. Ryman	O. H. Smith	Franklin	A.	Recorder's Off.	McKinney	Hedley v. The Board.
C. Dewey, H. Thornton	I. Naylor	Washington	R.	Debt	Stevens	Coombs v. Newlon.
J. Ryman	O. H. Smith	Fayette	A.	Bastardy	Blackford	Allen v. State.
A. S. White, H. Chase	C. W. Ewing, S. C. Sample	Cass	A.	Debt	Blackford	Gist v. Cicot.
H. Cooper	C. W. Ewing, S. C. Sample	Lagrange	A.	Debt	Blackford	State v. Littlefield.
W. Herod, S. C. Sample	H. Cooper	St. Joseph	R.	Divorce	McKinney	Phillips v. Phillips.
J. Thompson	C. Dewey	Clark	R.	Slavery	McKinney	Demar v. Simonson.
H. Thornton	J. Rowland	Washington	R.	Debt	Blackford	Vest v. Weir.
D. Kilgore	Quarles, Brown, Fletcher	Madison	R.	Writ	Stevens	Wibright v. Wise.
G. H. Dunn	D. J. Caswell, Chester	Dearborn	R.	Title	Stevens	Bank of U. S. v. Burke.

Stevens resigned. Succeeded by C. Dewey.

—1836—

W. Herod, S. C. Sample	M. M. Ray	Allen	A.	Perjury	Blackford	State v. Adams.
G. Holland	J. Ryman	Franklin	A.	Prison Bounds	Dewey	Hutchins v. Niblo.
J. Taylor	E. Huntington	Vigo	A.	Debt	Dewey	Cammack v. Rupert.
C. C. Nave, W. Quarles	J. B. Ray	Hendricks	R.	Debt	Dewey	Gibbons v. Surber.
W. Herod	I. Naylor	Montgomery	R.	Assault & Bat.	Blackford	State v. Odell.
M. M. Ray, J. Perry	J. Rariden, J. Newman	Wayne	A.	Adultery	Blackford	Nixon v. Brown.
M. M. Ray, J. B. Ray	C. B. Smith	Delaware	R.	Mill Site	Dewey	Gherkey v. Haines.
E. Huntington	S. Gookins	Vigo	A.	Jus. of Peace	Dewey	Thomas v. Winters.
C. B. Smith, O. H. Smith	J. Perry	Fayette	R.	Debt	Blackford	Claypool v. Miller.
O. H. Smith, C. B. Smith	J. Rariden, J. S. Newman	Fayette	R.	Note	Blackford	Hackleman v. Moat.
H. Brown, J. Ketcham	J. Morrison	Marion	A.	Debt	Dewey	Young v. Harry.
A. S. White	I. Naylor	Fountain	R.	Debt	Dewey	McCormick v. Maxwell.
H. Chase	S. C. Sample	Cass	R.	Debt	Blackford	Bliss v. Wilson.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
Brown, Fletcher, Butler	J. Morrison	Marion	R.	Debt	Blackford	Holmes v. Schotield.
J. Perry	C. B. Smith	Rush	R.	Debt	Blackford	Poundstone v. Lewark.
O. H. Smith	J. Ryman, G. H. Dunn	Franklin	R.	Slander	Blackford	Throgmorton v. Davis.
C. B. Smith	M. M. Ray	Delaware	R.	Justice's Court	Dewey	Boiles v. Barnes.
W. Herod	W. Quarles	Hendricks	R.	Kidnap. Negro	Blackford	State v. McRoberts.
J. Ryman	C. Fletcher, O. Butler	Shelby	R.	Trespass	Blackford	Rucker v. McNeely.
C. B. Smith	Smith, Rariden, Newman	Henry	A.	Note	Dewey	Higgins v. Strong.
R. Crawford, H. Thornton		Floyd	A.	Debt	McKinney	Hinckley v. O'Farrel.
C. B. Smith	S. Bigger, J. Perry	Fayette	A.	Note	McKinney	Rogers v. Worth.
I. Naylor	W. Herod	Clark	R.	Contempt	McKinney	Thompson v. State.
H. Thornton	J. Goodlet	Crawford	A.	False Impris.	Blackford	Lindley v. Kindall.
A. S. White	I. Naylor	Montgomery	R.	Prison Bounds	Dewey	Spader v. Frost.
A. S. White, S. Gookins	T. Howard, J. Whitcomb	Vermillion	A.	Debt	Blackford	Guaga Iron Co. v. Dawson.
C. Ewing, J. Newman	H. Cooper	Allen	R.	Debt	Dewey	Barnett v. Spencer.
Sullivan, Stevens, Dunn	Marshall, Kelso, Quarles	Dearborn	A.	County Seat	McKinney	Armstrong v. The Board.
J. Morrison	W. Quarles	Marion	R.	Note	Blackford	Coppock v. Burkhart.
O. H. Smith	J. Perry	Union	R.	Debt	Blackford	McKee v. Miller.
Fletcher, Butler, Sample	Ewing, Rariden, Newman	Laporte	R.	Transp. Wheat	Dewey	Harrison v. Hixon.
J. Rariden, J. Newman	J. Perry, M. M. Ray	Wayne	R.	Ejectment	Blackford	Doe v. Smith.
O. H. Smith	J. Rariden, J. Newman	Rush	R.	Note	Blackford	Gordon v. Cowger.
J. B. Ray	J. Morrison, W. Quarles, C. Fletcher, O. Butler	Marion		Trespass	Dewey	West v. Blake.
J. Rariden, J. Newman	M. M. Ray	Wayne	R.	Debt	Dewey	Elliott v. Coggshall.
G. H. Dunn, D. J. Caswell	J. Sullivan, S. C. Stevens	Dearborn	R.	Bond	Dewey	Conan v. State.
J. Morrison	C. Fletcher, O. Butler	Marion	R.	Settlement	Dewey	West v. McCarty.
C. B. Smith	W. Herod	Fayette	R.	Roulette Wheel	Blackford	Armstrong v. State.
C. Fletcher, O. Butler	J. Morrison	Marion	R.	Debt	Blackford	Bryan v. Blythe.
J. B. Ray	C. Fletcher, O. Butler	Hancock	A.	Debt	Blackford	Dickerson v. Tyner.
J. Rariden, J. Newman	C. B. Smith	Delaware	A.	Illegal Tax	Blackford	The Board v. The Board.
J. Morrison	W. Herod	Marion	R.	Delinquent Tax	Blackford	Dentler v. State.
J. Whitcomb	J. Farrington, S. Gookins	Vigo	A.	Steamboating	Blackford	Wallace v. Vigus.
O. H. Smith, J. Newman	J. Rariden	Wayne	A.	Ejectment	Blackford	Doe v. Rue.
Ewing, Newman, Colerick	H. Cooper, S. C. Sample	Allen	R.	Debt	Blackford	Harris v. Musk'g'm M.Co.
W. Herod, C. B. Smith	D. Wallace, A. S. White	Clinton	R.	Bastardy	Blackford	State v. Allen.
O. H. Smith	C. B. Smith	Fayette	R.	Debt	Blackford	DeCamp v. Vandagrift.
A. S. White, R. A. Lockwood	J. Pettit	Tippecanoe	A.	Debt	Blackford	LeClair v. Peterson.
J. Morrison, W. Quarles	H. Brown, C. C. Nave	Boone	A.	Debt	Blackford	Crews v. Sheets.
J. Ryman	P. Sweetser, S. Major	Shelby	R.	Killing Horse	Blackford	Young v. Tustin.

Judge McKinney died and was succeeded by Jeremiah Sullivan.

—1837—

Kinney, Cowgill, Hulett	T. Howard	Putnam	A.	Goods	Dewey	Jones v. Blaine
I. Naylor	H. Cooper	Cass	R.	Rent	Blackford	Dodd v. Noble
J. Ryman	C. Fletcher, O. Butler	Shelby	A.	Debt	Sullivan	Baker v. Mortimer
A. Griffith	H. Thornton	Jackson	R.	Will	Dewey	Gullett v. Hough
R. Lockwood, H. Cooper	I. Naylor	Cass	A.	Millclam	Dewey	Martin v. Bliss

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Brackenridge	S. Judah	Vanderburg	A.	Milldam	Blackford	Smith v. Olmstead.
A. Griffith	H. Thornton	Washington	R.	Slander	Sullivan	Atkinson v. Reding.
J. Newman	J. B. Ray	Henry	A.	School Tax	Sullivan	Smith v. Trustees.
C. P. Hester	D. McDonald	Owen	A.	Slander	Dewey	Cram v. Franklin.
S. C. Stevens	J. Dumont	Ripley	A.	Slander	Sullivan	Craig v. Brown.
S. C. Stevens	G. H. Dunn, P. Spooner	Dearborn	A.	Note	Dewey	Cozine v. Brown.
S. Judah, J. Brackenridge	A. Kinney, J. Law	Martin	R.	Estate	Blackford	Fellows v. Shelmire.
Ingram, Fletcher, Butler	Howard, Bryant, Brown	Fountain	R.	Note	Sullivan	Stout v. Hicks.
Fletcher, Butler, Morrison	P. Sweetser	Morgan	A.	Squat.'s Rights	Dewey	Smith v. Mosier.
A. Kinney	J. Farrington, S. Gookins	Vigo	R.	Tavern	Sullivan	Spencer v. Burton.
C. Test	J. Perry	Fayette	A.	Note	Dewey	Wooster v. Lyons.
C. B. Smith, C. H. Test	J. Perry	Fayette	A.	Debt	Blackford	Darter v. State.
H. Cooper	D. Colerick	Lagrange	A.	Squat.'s Rights	Blackford	Carr v. Allison.
C. B. Smith	W. Quarles	Fayette	R.	Tax	Blackford	Smith v. State.
J. Brackenridge	S. C. Stevens	Spencer	D.	Debt	Blackford	Thurman v. Hammond.
W. Quarles	B. Bull	Morgan	A.	Debt	Blackford	Grant v. Whitman.
Quarles, Fletcher, Butler	H. Brown	Hendricks	R.	Profanity	Blackford	Odell v. Garnett.
C. C. Nave	C. Fletcher, O. Butler	Hendricks	A.	Note	Blackford	Harris v. Smith.
R. Howard, W. P. Bryant	W. Quarles	Parke	R.	Assault & Bat.	Sullivan	Hiler v. State.
J. Ryman	J. Newman	Union	A.	Bond	Dewey	Love v. Kidwell.
H. Thornton	J. Morrison	Floyd	A.	Oil Mill	Sullivan	Parker v. Morton.
P. Sweetser, H. Brown	C. Fletcher, O. Butler	Marion	R.	Bond	Sullivan	Eakle v. Oliver.
C. Hester	M. Hulett	Monroe	R.	Note	Dewey	Hommel v. Gamewell.
W. Quarles, D. Kilgore	J. Newman	Wayne	R.	Riot	Dewey	State v. Cripe.
C. Hester, A. Kinney	H. Thornton	Clark	A.	Title	Blackford	Jenkins v. Prewett.
C. C. Nave	C. Fletcher, O. Butler	Hendricks	R.	Debt	Blackford	Wiley v. Logan.
J. Marshall, J. Eggleston	S. C. Stevens	Switzerland	R.	Official Neglig.	Sullivan	Peters v. Land.
C. Hester	D. McDonald	Owen	R.	Wagon	Sullivan	Cooper v. Helsabeck.
P. Sweetser	Morrison, Fletcher, Butler	Marion	A.	Work & Mate.	Dewey	Stipp v. Wash. Hall Co.
J. Ketcham, C. Hester	Howard, Kinney, Hulett	Putnam	R.	Hogs	Dewey	Foley v. Cowgill.
C. Fletcher, O. Butler	H. Cooper, D. Colerick	Huntington	R.	Adultery	Blackford	Burnham v. Hatfield.
J. Newman, David Kilgore	C. B. Smith	Delaware	A.	Note	Blackford	Kilgore v. Powers.
J. B. Ray	J. Newman	Wayne	R.	Debt	Dewey	Bowers v. Trevor.
H. Cooper, J. Jeregan	D. Colerick	Wabash	R.	Em. Domain	Dewey	W. & E. Canal v. McClure.
A. C. Griffith		Jackson	R.	Bond	Blackford	Cutshaw v. Birge.
J. Law	W. Quarles	Daviess	A.	Indictment	Sullivan	Cain v. State.
C. Fletcher, O. Butler	H. Brown	Marion	R.	Debt	Sullivan	Ky. Bank v. Dunn.
H. Brown, C. C. Nave	P. Sweetser	Morgan	R.	Contract	Blackford	Peters v. Gooch.
S. Judah	D. McDonald	Sullivan	A.	Title Bond	Dewey	Blann v. Smith.
J. Morrison, W. Quarles	C. Fletcher, O. Butler	Marion	R.	Assault & Bat.	Blackford	Fisher v. Bridges.
Rariden, Newman, Test, Ray	J. Perry	Wayne	R.	Bond	Blackford	Forsha v. Watkins.
H. Brown, W. Quarles	P. Sweetser	Morgan	R.	Title	Dewey	Bowser v. Warren.
P. Sweetser	W. Quarles	Bartholomew	A.	Assault & Bat.	Dewey	Sweetser v. State.
I. Naylor, J. Wright	Chase, Fletcher, Butler	Cass	R.	Note	Dewey	Tucker v. Tipton.
J. Liston, J. Morrison	H. Cooper	Elkhart	R.	Note	Blackford	McNutt v. Hatch.
J. Pitcher, W. Jones	E. Terry	Gibson	A.	Will	Dewey	Hunt v. Jordan.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Dumont	J. Marshall, J. Eggleston	Switzerland	R.	Title	Sullivan	Boyle v. Moss.
W. Quarles	C. B. Smith	Rush	A.	Bond	Sullivan	State v. Humphries.
H. Brown, J. Eccles	P. Sweetser	Morgan	R.	Debt	Sullivan	Blair v. Bass.
C. H. Test	W. Quarles	Union	A.	Slit.& biting ear	Sullivan	Hayden v. State.
C. B. Smith	W. Quarles	Fayette	R.	Assault & Bat.	Blackford	Goudy v. State.
C. B. Smith, C. Test	J. Newman, D. Kilgore	Rush	A.	Slander	Sullivan	Offutt v. Earlywine.
D. Kilgore	C. B. Smith	Henry	A.	Slander	Sullivan	Yeates v. Reed.
Pettitt, White, Lockwood	A. Ingram	Tippecanoe	R.	Note	Dewey	Runnion v. Crane.
C. Test, C. B. Smith	D. Kilgore, J. Newman	Rush	R.	Slander	Dewey	Linville v. Earlywine.
J. Payne, R. Thompson	H. Thornton	Harrison	A.	Debt	Blackford	Corydon St'm Mill v. Pell.
A. Kinney	C. Hester	Owen	R.	Debt	Dewey	Humble v. Williams.
C. B. Smith	C. Test, J. Perry	Rush	R.	Trespass	Sullivan	Barkeloo v. Randall.
J. Brackenridge	S. C. Stevens	Spencer (P.)	A.	Debt	Dewey	Scanland v. Ruble.
D. McDonald	John Law	Pike	R.	School Land	Blackford	Tourtelott v. Junkin.
C. Fletcher, O. Butler	J. Morrison	Marion	A.	Specie payment	Blackford	State Bank v. Brooks.
H. Thornton	S. C. Stevens	Scott	A.	Title	Sullivan	Hobson v. Doe.
C. Hester	A. Kinney	Owen	A.	Debt	Sullivan	Matheny v. Westfall.
Fletcher, Butler, Quarles	H. Brown	Marion	A.	Mill Race	Dewey	Canby v. Ingersoll.
J. Ryman	G. Holland	Franklin	A.	Ejectment	Blackford	Doe v. Himelick.
S. W. Parker	Smith, Rariden, Newman	Henry	A.	Debt	Blackford	McCall v. Trevor.
C. Test, S. W. Parker	C. B. Smith, J. Perry	Fayette	A.	Slander	Sullivan	Becket v. Sterrett.
C. Ewing, H. Cooper	D. Colerick	Allen	A.	Debt	Sullivan	Peltin v. Britton.
I. Naylor	A. S. White, R. Lockwood	White	A.	Note	Dewey	Sherwood v. Hammond.

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C. B. Smith	C. H. Test	Fayette	A.	Paupers	Sullivan	Haskett v. Flint.
H. Cooper		Allen	A.	Lease	Sullivan	Bateman v. Daniels.
C. B. Smith	W. Quarles	Fayette	A.	Road Superv.	Dewey	Tate v. State.
W. Quarles	T. J. Evans	Montgomery	A.	Assault & Bat.	Dewey	State v. Herndon.
A. S. White, R. Lockwood	J. Pettit	Tippecanoe	R.	Note	Blackford	Thatcher v. Coleman.
H. Thornton, R. Thompson	J. Payne	Washington	R.	Ferry	Blackford	Mullis v. Cavins.
W. Quarles	J. Liston	Laporte	R.	Note	Sullivan	Davis v. Graniss.
J. Marshall, C. Cushing	W. Quarles	Jefferson	R.	Bond	Dewey	Hildreth v. State.
J. Liston	W. Quarles	St. Joseph	R.	Divorce	Dewey	Ritter v. Ritter.
A. C. Gaff ith	R. W. Thompson	Washington	R.	Note	Dewey	Atkinson v. State Bank.
H. Chase	H. Cooper	Cass	A.	Note	Blackford	Fitch v. Polke.
C. Fletcher, O. Butler	P. Sweetser	Hancock	A.	Slander	Blackford	Jones v. Chapman.
C. B. Smith	J. Perry	Fayette	A.	Hogs	Sullivan	Houston v. Minor.
Fletcher, Butler, Brown	W. Quarles, P. Sweetser	Hamilton	A.	Deed	Dewey	Stevenson v. Cloud.
J. Newman, C. B. Smith	J. Perry	Union	R.	Debt	Blackford	Bragg v. Welzel.
C. H. Test	C. B. Smith, S. W. Parker	Fayette	A.	Note	Blackford	Swan v. Woods
C. B. Smith	O. H. Smith	Fayette	A.	Note	Sullivan	Caldwell v. Sithens.
D. McCoy, C. B. Smith	Newman, Fletcher, Butler	Henry	A.	Note	Dewey	Whisler v. Hicks.
J. Jernegan, H. Cooper	C. Test	Kosciusko	R.	Practice	Sullivan	Hodges v. Springer.
J. V. L. Lee	C. B. Smith	Lake	R.	Note	Dewey	Westbrook v. Robinson.
C. B. Smith	W. Quarles	Fayette	R.	Wager	Dewey	Tate v. State.

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Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Pettit	R. Chandler	Warren	R.	Debt	Dewey	Cole v. Peniwell.
H. Cooper		Wabash	A.	Ejectment	Blackford	Dixon v. Doe.
S. Judah	A. Kinney, R. Crawford	Knox	A.	Land	Blackford	Rogers v. Bishop.
G. G. Dunn	J. Payne, R. Thompson	Lawrence	R.	Bastardy	Blackford	Chapman v. State.
C. Test	C. B. Smith, S. W. Parker	Fayette	R.	Practice	Sullivan	Bose v. Davis.
C. Test	J. Perry	Union	A.	Milldam	Blackford	Bell v. Elliott.
W. Quarles	C. Fletcher, O. Butler	Laporte	R.	Squat.'s Rights	Sullivan	Ward v. Burr.
W. Quarles	T. Evans	Fountain	A.	Selling Liquor	Dewey	State v. Moore.
J. Liston	H. Cooper	Elkhart	A.	Assault & Bat.	Dewey	Carpenter v. Crane.
H. Thornton	R. Crawford	Clark	R.	Practice	Blackford	Wright v. Stuart.
J. Johnston, G. Holland	J. Ryman	Franklin	R.	Debt	Dewey	Rubottom v. Shank.
J. Ryman	Peaslee, Fletcher, Butler	Shelby	R.	Title	Blackford	Rucker v. McNeely.
J. B. Ray, M. M. Ray	J. S. Newman	Wayne	A.	Note	Blackford	Mendenhall v. Lenwell.
M. M. Ray, J. B. Ray	J. Newman	Fayette	R.	Debt	Sullivan	Bank of Ind. v. Bell.
S. C. Stevens	C. Test	Dearborn	R.	Arbitration	Dewey	Parker v. Eggleston.
S. C. Stevens	G. H. Dunn	Switzerland	R.	Mortgage	Dewey	McClure v. McCormick.
P. Sweetser	Morrison, Quarles, Fletcher, Butler	Marion	A.	Election	Blackford	Carter v. Harrison.
C. B. Smith	J. Newman, S. W. Parker	Fayette	A.	Damage	Dewey	Etchison v. Post.
H. Brown	C. Fletcher, O. Butler	Madison	A.	Divorce	Blackford	James v. James.
J. S. Newman	C. Test, C. B. Smith	Rush	A.	Slander	Blackford	Alley v. Neely.
J. S. Newman, C. B. Smith	J. Perry	Union	R.	Milldam	Sullivan	Summy v. Mulford.
E. S. Terry, J. Pitcher	R. Crawford	Gibson	R.	Note	Blackford	Maddox v. Pulliam.
P. Sweetser	S. C. Stevens	Bartholomew	R.	Debt	Sullivan	Jones v. State.
S. Judah	R. Crawford	Knox	R.	Mortgage	Sullivan	Whittlesey v. Beall.
R. Chandler, D. Mace	T. J. Evans	Warren	R.	Bond	Dewey	State v. Lockwood.
J. A. Liston	H. Cooper	St. Joseph	A.	Debt	Blackford	Richardson v. St. Joseph Iron Co.
C. B. Smith, J. Ryman	W. Quarles	Union	R.	Selling Liquor	Blackford	Hipp v. State.
J. Perry	W. Quarles	Randolph	A.	Selling Liquor	Blackford	Godfrey v. State.
H. Cooper		Miami	R.	Note	Sullivan	Cooper v. Drouillard.
W. Quarles, J. Wright	T. Howard, W. Bryant	Parke	R.	Selling Liquor	Sullivan	State v. Watson.
J. Pettit	D. Mace, T. J. Evans	Tippecanoe	A.	Debt	Dewey	Sherry v. Martin.
J. A. Liston	R. Thompson	St. Joseph	A.	Note	Blackford	Taylor v. Coquillard.
J. A. Liston	H. Cooper	Marshall	A.	Note	Blackford	Williams v. Dyer.
J. W. Wright	H. Chase	Carroll	A.	Note	Dewey	Laselle v. Hewson.
J. S. Newman	M. M. Ray, J. B. Ray	Wayne	R.	Debt	Blackford	Buckley v. Stanley.
H. Cooper	D. Colerick	Noble	A.	Title	Sullivan	Steward v. Haynes.
C. Hester	W. Quarles	Owen	A.	Bastardy	Sullivan	Beeman v. State.
H. Thornton	R. Crawford	Floyd	R.	Note	Blackford	Clarke v. Hite.
R. Chandler	D. Mace	Warren	R.	Debt	Blackford	Tripp v. Elliott.
G. Holland	C. B. Smith, S. W. Parker	Fayette	R.	Note	Sullivan	Brookville Ins. Co. v. Records.
S. Judah	C. Fletcher, O. Butler	Knox	A.	Surety	Sullivan	Judah v. Milure.
S. Judah		Knox	A.	Rent	Blackford	Smith v. Myers.
G. G. Dunn, J. Rowland	H. Thornton	Washington	R.	Medicine	Dewey	Howard v. Cadwalader.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
R. Crawford	J. Payne	Harrison	A.	Debt	Blackford	Reed v. Bank of Ky.
W. Peaslee	A. S. White, R. Lockwood	Warren	R.	Gaming	Sullivan	State v. Maxwell.
H. Thornton	J. Rowland	Washington	R.	Deed	Blackford	Martin v. Baker.
H. Brown	J. Morrison	Marion	R.	Trespass	Blackford	Plant v. Wormager.
Howard, Hester, Hulett	A. Kinney, J. Cowgill	Putnam	R.	Trespass	Sullivan	Jarratt v. Gwathmey.
C. Test	J. Marshall	Dearborn	R.	Note	Blackford	Yeatman v. Cullen.
H. Thornton	C. Fletcher, O. Butler	Harrison	A.	Steam Mill	Dewey	Pitman v. Kintner.
A. S. White, R. Lockwood	J. Pettit	Tippecanoe	A.	Bond	Blackford	Hunt v. Reever.
H. Cooper	T. Johnson	Allen	A.	Debt	Sullivan	McGilliendy v. Cook.
H. Cooper	D. Colerick, W. H. Coombs	Allen	R.	Lumber	Dewey	Hughes v. Houlton.
P. Sweetser, H. Brown	C. Fletcher, O. Butler	Marion	R.	Will	Blackford	Hoover v. Hoover.
Fletcher, Butler, Nave	H. Brown, W. Quarles	Hendricks	A.	Slander	Blackford	Wilcox v. Edwards.
C. B. Smith, J. S. Newman	J. B. Ray	Henry	A.	Assault & Bat.	Blackford	Yost v. Ditch.
J. Perry	J. Newman, C. B. Smith	Henry	R.	Land	Dewey	Rinker v. Sharp.
R. Crawford	H. Thornton	Floyd	R.	Building Boat	Blackford	Steamb. Bowling v. Hough.
H. Brown, C. Nave	B. Bull	Morgan	R.	Account	Sullivan	Burke v. Voyles.
C. B. Smith, S. W. Parker	C. H. Test, J. Perry	Fayette	R.	Assault & Bat.	Dewey	Lair v. Abrams.
A. S. White, R. Lockwood	Jenners, Fletcher, Butler	Warren	R.	Mortgage	Blackford	Hunt v. Jennings.
C. W. Ewing, J. Perry	H. Cooper	Allen	R.	Bank Stock	Dewey	Coleman v. Spencer.
P. Sweetser	R. Chandler, D. Mace	Fountain	A.	Debt	Dewey	Cox v. Wallace.
		—1839—				
R. C. Gregory, D. Brier	H. S. Lane, S. C. Willson	Montgomery	R.	Assault & Bat.	Sullivan	May v. Sly.
J. Pettit	A. Ingram, Z. Baird	Tippecanoe	R.	Note	Sullivan	Fraser v. Spofford.
J. Newman	C. Test	Wayne	R.	Debt	Dewey	Neal v. Mills.
J. Pettit	A. S. White, R. Lockwood	Tippecanoe	A.	Notes	Dewey	Ensminger v. Marvin.
B. Bull	C. Nave	Morgan	R.	Debt	Sullivan	Barrackman v. J. M. Worthington & Co.
C. B. Smith	S. W. Parker	Wayne	A.	Goods	Sullivan	Hunt v. Mansure.
H. Chase	W. Wright	Cass	R.	Note	Dewey	Hartwell v. Candler.
C. H. Test, R. Thompson	C. B. Smith, J. Newman	Fayette	A.	Ejectment	Blackford	Doe v. Reagan.
J. E. Ray, M. M. Ray	J. S. Newman	Wayne	A.	Note	Sullivan	Fleming v. Newman.
W. Quarles	C. Fletcher, O. Butler	Marion	R.	Railroad	Dewey	Walpole v. Bridges.
H. Chase	C. Fletcher	Cass	A.	Off. Bond	Dewey	Turner v. State.
G. Holland	J. Ryman	Franklin	R.	Note	Sullivan	Holland v. Butler.
H. Cooper	A. S. White, R. Lockwood	Cass	A.	Note	Blackford	Arnold v. Sturgis
A. S. White, R. Lockwood	A. Ingram	Tippecanoe	A.	Debt	Blackford	Farmer v. Eiterman.
E. Huntington	J. Taylor	Vigo	R.	Col. for freedom	Blackford	State v. Cooper.
		—1840—				
Quarles, Fletcher, Butler	P. Sweetser	Madison	R.	Partition	Sullivan	Clark v. Sprague.
R. C. Gregory	H. Lane, S. C. Willson	Montgomery	A.	Slander	Dewey	Haskins v. Torrance.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Canal	Dewey	Comm'rs v. Burr.
Sweetser, Fletcher, Nave	W. Peaslee	Hendricks	R.	Ejectment	Sullivan	Givan v. Doe.
J. Pettit	A. Ingram	Tippecanoe	A.	Note	Dewey	Hunter v. Nelson.
R. Crawford	H. Thornton	Floyd	R.	Note	Sullivan	Bond v. Wilkinson.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
A. Kennedy	J. Newman	Jay	R.	Note $100	Blackford	Blont v. Proctor.
H. Cooper	W. Wright	Allen	A.	Debt	Dewey	Walker v. Hood.
J. Newman	A. Kennedy	Delaware	A.	Selling Liquor	Blackford	Redpath v. Nottingham.
C. B. Smith, S. Parker	J. Newman	Wayne	R.	Debt	Sullivan	Haines v. Gurley.
P. Spooner	G. H. Dunn	Dearborn	R.	Debt	Blackford	Elliott v. Moore.
C. Hester, R. Thompson	A. Kinney, S. Gookins	Greene	A.	Note	Dewey	Burge v. Dishman.
J. Ryman	C. B. Smith	Franklin	R.	Debt $195	Dewey	Henrie v. Sweasey.
P. Sweetser	C. Fletcher, O. Butler	Shelby	A.	Debt $169	Sullivan	Leaphardt v. Sloan.
M. M. Ray	C. Test	Wayne	R.	Debt $100	Sullivan	London v. Robertson.
J. Pitcher	W. Peaslee	Vanderburg	R.	Gaming	Blackford	Butler v. State.
C. Fletcher, O. Butler	J. Morrison	Marion	R.	Note	Sullivan	Lewis v. Wilson.
S. Judah	A. T. Ellis, R. Crawford	Knox	R.	Debt	Sullivan	Jones v. Burtch.
H. Cooper	T. Johnson	Allen	A.	Debt	Dewey	McCreary v. Hood.
H. B. Howe	T. Johnson	Lagrange	A.	Trespass	Dewey	Woodruff v. Adams.
J. Ryman, F. Holland	C. B. Smith	Franklin	A.	Debt	Blackford	Long v. McClure.
H. Thornton, J. Bradley	J. B. Niles	Laporte	R.	Debt	Sullivan	Evans v. Darlington.
H. Livingston, C. Hester	W. Bryant, A. Kinney	Greene	A.	Damage	Dewey	Hill v. Owen.
W. Peaslee	R. Crawford	Floyd	A.	Extortion	Dewey	State v. Conner.
W. Peaslee	R. Crawford	Marion	A.	Constable	Dewey	State v. Smith.
J. Ryman	J. Johnson	Franklin	A.	Ejectment	Blackford	Doe v. Swiggett.
C. Fletcher, O. Butler	S. Judah	Knox	A.	Debt	Sullivan	Robinson v. Marney.
P. Sweetser	W. Wright	Carroll	R.	Replevin	Sullivan	Mooney v. Myers.
T. Johnson		Allen	R.	Debt	Dewey	Klinger v. Brownell.
A. S. White, R. Lockwood	R. Chandler	Warren	A.	Debt	Blackford	Thomas v. Quick.
C. B. Smith	J. Ryman, W. Jenners	Franklin	R.	Debt	Dewey	Henrie v. Sweazie.
J. Pettit	A. S. White, R. Lockwood	Tippecanoe	R.	Debt	Sullivan	Burjess v. Atkins.
Brown, Tingley, Newman	C. B. Smith, R. S. Cox	Rush	A.	Debt	Dewey	Barber v. Summers.
A. Kinney, S. Gookins	C. Hester	Putnam	A.	Bond	Sullivan	Hunt v. Butcher.
W. Peaslee	D. Kilgore	Randolph	A.	Shooting Match	Dewey	State v. Irvin.
J. S. Newman	W. Peaslee	Rush	R.	Bond	Dewey	Wellman v. State.
J. Morrison	C. Fletcher, O. Butler	Marion	R.	Debt	Dewey	Phillips v. Vickers.
S. C. Stevens	J. L. White	Jefferson	R.	Pauper	Dewey	Baptiste v. State.
R. Chandler, D. Mace	R. C. Gregory	Warren	A.	Debt	Blackford	Smith v. Webb.
P. Sweetser	A. S. White, R. Lockwood	Carroll	R.	Rent	Sullivan	Merkle v. O'Neal.
J. Pettit	A. S. White, R. Lockwood	Tippecanoe	A.	Debt	Sullivan	Brown v. Parker.
Fletcher, Butler, Nave	P. Sweetser	Boone	A.	Slander	Dewey	Wyant v. Smith.
H. Livingston, S. Gookins	C. Hester	Green	A.	Assault & Bat.	Dewey	Snyder v. Nations.
J. Brackinridge	A. Kinney, D. McDonald	Pike	A.	Debt	Blackford	Lett v. Horner.
J. Pettit	White, Lockwood, Mace	Tippecanoe	A.	Debt	Blackford	English v. Finicy.
C. B. Smith	C. Test	Rush	R.	Ejectment	Sullivan	Clawson v. Doe.
J. B. Niles	C. Fletcher, O. Butler	Laporte	R.	Note	Dewey	Clark v. Harrison.
C. Fletcher, O. Butler	J. B. Niles	Laporte	A.	Note	Sullivan	Wells v. Teall.
R. Chandler	R. Lockwood, D. Mace	Jasper	R.	Debt	Dewey	Alexander v. Peck.
W. Peaslee	P. Sweetser	Shelby	A.	Ejectment	Blackford	Doe v. Brown.
Bright, Cushing, Howard	S. C. Stevens	Jefferson	A.	False Impris.	Blackford	Johnston v. Vanamringe.
C. B. Smith	J. Newman	Wayne	R.	Note	Sullivan	Reed v. Cox.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
W. Peaslee	R. Lockwood, D. Mace	Carroll	R.	Mal. Trespass	Sullivan	State v. Kuns.
J. Newman	M. M. Ray, J. B. Ray	Wayne	R.	Will	Dewey	Smith v. Addleman.
Niles, Fletcher, Butler	J. Bradley	Lake	A.	Taxes	Blackford	Frederickson v. Fowler.
Ingram, Baird, Fletcher, Butler	A. S. White, R. Lockwood	Carroll	A.	Debt	Blackford	Lowe v. Bowman.
A. Ingram, C. B. Smith	S. C. Wilson, H. S. Lane, T. Tippecanoe		R.	Debt	Blackford	Ramsay v. Herndon.
	Howard, W. P. Bryant	Jefferson	R.	Debt	Blackford	Hern v. Allison.
M. G. Bright	S. C. Stevens					
H. Cooper	D. Colerick, W. H. Coombs	Lagrange	R.	Debt	Blackford	Walker v. Houlton.
J. Perry	A. Kennedy	Randolph	A.	Note	Sullivan	Garrett v. Heaston.
W. Jenners		Tippecanoe	R.	Debt	Sullivan	Jones v. Martin.
J. Marshall, R. Thompson	H. Thornton	Jackson	R.	Note	Dewey	Rust v. Smith.
H. Thornton	J. Morrison	Clark	R.	Partition	Dewey	Lease v. Carr.
J. Pitcher		Posey	R.	Debt	Sullivan	Weatherill v. School.
J. Pitcher	W. Peaslee	Pike	R.	Adultery	Sullivan	Wright v. State.
J. Ryan	G. Holland	Franklin	A.	Replevin	Blackford	Bryson v. Sweet.
M. M. Ray, J. B. Ray, C. Test	J. Newman	Wayne	R.	Mortgage	Dewey	Haywortli v. Worthington.
W. Jenner	H. S. Lane, S. C. Wilson	Montgomery	R.	Note	Blackford	Newkirk v. Johnson.
J. Ryman	C. B. Smith, J. S. Newman	Union	R.	Note	Blackford	Foote v. Bragg.
W. Peaslee	J. Newman	Wayne	R.	Marriage	Blackford	State v. McWhinney.
W. Peaslee	J. Johnston	Franklin	R.	Riot	Sullivan	State v. Dillard.
H. Lane, S. C. Willson	R. C. Gregory	Montgomery	A.	Practice	Blackford	Secrest v. Arnett.
R. Lockwood, D. Mace	A. Ingram, Z. Baird	Tippecanoe	A.	Note	Dewey	Harter v. Moore.
M. M. Ray, C. Test	J. Newman	Wayne	R.	Trespass	Dewey	White v. Conover.
H. Brown, W. Quarles	W. Peaslee	Marion	R.	Perjury	Blackford	Jenkinson v. State.
H. Lane, S. C. Wilson	R. C. Gregory	Montgomery	R.	Debt	Sullivan	Bohon v. State.
C. Fletcher, O. Butler	P. Sweetser	Marion	R.	Debt	Sullivan	Robinson v. Barbour.
J. B. Howe, H. Cooper	D. Colerick	Lagrange	R.	Debt	Dewey	Codding v. Whitaker.
R. Chandler	W. Peaslee	Warren	R.	Bond	Blackford	Chandler v. State.
P. Sweetser, O. H. Smith	C. Fletcher, O. Butler, J. Morrison, H. O'Neal	Marion	R.	Debt	Blackford	Stipp v. Wash. Hall Co.
C. Test	J. Newman	Henry	R.	Debt	Blackford	Owen v. Norris.
T. Johnson	H. Cooper	Allen	R.	Debt	Blackford	Pierson v. Holman.
A. Kinney, A. T. Ellis	S. Judah	Knox	R.	Debt	Blackford	Steamboat, Rover v. Stiles.
C. B. Smith	C. Test	Fayette	A.	Debt	Sullivan	Beck v. Williams.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Debt	Sullivan	Comparet v. Jernegan.
G. Holland	J. Ryman	Franklin	R.	Taverns	Sullivan	Woods v. Pratt.
P. Sweetser	Q. Quarles	Bartholomew	A.	Debt	Dewey	Joiner v. Sanders.
A. Kinney, S. Gookins	T. Howard, W. Bryant	Vermillion	A.	Bond	Dewey	State v. Miller.
J. Niles	J. Newman	Marshall	R.	Debt	Blackford	Ransom v. Pomeroy
J. G. Read, S. C. Stevens	J. Marshall, C. Cushing	Jefferson	A.	Damages	Dewey	McIntire v. State.
A. S. White, R. Lockwood	A. Kinney	Montgomery	A.	Mal. Pros.	Blackford	Brown v. Connelly.
J. Perry, M. M. Ray	C. B. Smith, J. Newman, S. Parker, C. Test	Fayette	A.	Debt	Blackford	State v. Ford.
C. Fletcher, O. Butler, E. Chamberlain, J. A. Liston	J. B. Niles, J. Jernegan	Elkhart	R.	Execution	Sullivan	Anderson v. Smith
J. Farrington, S. Gookins	A. Kinney, C. W. Barbour	Vigo	R.	Debt	Dewey	Lutcher v. Potts
S. Judah	C. Fletcher, O. Butler	Knox	A.	Ejectment	Dewey	Doe v. Potts.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
C. C. Nave	H. Brown	Hendricks	A.	Debt	Blackford	Hamilton v. Mattock.
Howard, Bryant, Kinney	J. Wright	Parke	R.	Arbitration	Sullivan	Coffin v. Woody.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Debt	Dewey	Ferrand v. Walker.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Note	Dewey	Ingersoll v. Cooper.
C. B. Smith, R. S. Cox	C. H. Test, S. W. Parker	Rush	R.	Mal. Pros.	Blackford	Horton v. Smelser.
H. Cooper	T. Johnson	Allen	A.	Debt	Blackford	Post v. Shirley.
A. C. Griffith	J. Marshall	Clark	A.	Libel	Sullivan	McCoombs v. Tuttle.
D. Colerick, W. H. Coombs	J. B. Howe	Lagrange	R.	Debt	Dewey	Ewing v. Codding.
R. Thompson	H. Thornton	Washington	R.	Debt	Blackford	Goldsby v. Gentle.
J. Cowgill	A. Kinney, S. Gookins	Clay	R.	Debt	Sullivan	Chance v. Board.
H. Cooper	D. Colerick, W. H. Coombs	Allen	A.	Trespass	Dewey	Bequette v. Lasselle.
R. Chandler, R. Lockwood	H. Lane, D. Mace	Warren	A.	Debt	Blackford	Steward v. Henry.
A. T. Ellis, A. Kinney	S. Judah	Knox	R.	Debt	Sullivan	Timms v. Delisle.
J. A. Wright	T. A. Howard, W. P. Bryan	Parke	R.	Debt	Sullivan	Adamson v. Wood.
H. Brown	W. Peaslee	Boone	R.	Taxes	Dewey	Van Hook v. State.
D. Colerick, W. H. Coombs	H. Cooper	Noble	A.	Mill-dam	Blackford	Benner v. Elliott.
J. Payne	J. G. Marshall, A. Griffith	Clark	A.	Slander	Blackford	Drummond v. Leslie.
J. Howe	T. Johnson	Lagrange	R.	Trespass	Sullivan	State v. Newton.
C. Fletcher, O. Butler	S. Judah, A. Ellis	Knox	R.	Debt	Dewey	Scott v. Brokaw.
W. Peaslee	D. Colerick, W. H. Coombs	Noble	A.	Counterfeit	Dewey	State v. Adkins.
H. Thornton	J. Payne	Harrison	A.	Note	Dewey	Shearman v. Fellows.
W. Peaslee	J. Brown	Morgan	R.	Extortion	Sullivan	State v. Stotts.
J. Newman	M. M. Ray	Wayne	A.	Ejectment	Blackford	Doe v. Harvey.

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C. H. Test	J. Newman	Wayne	A.	Replevin	Sullivan	Harris v. Boggs.
A. S. White, R. Lockwood	J. Pettit	Tippecanoe	R.	Debt	Sullivan	Dare v. Spencer.
W. Jenners	J. Pettit	Tippecanoe	R.	Debt	Dewey	Jones v. State.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Debt	Dewey	State v. Brown.
J. Smith, J. Newman	M. M. Ray	Randolph	R.	Debt	Blackford	Proctor v. Bailey.
R. Lockwood, D. Mace	J. Pettit	Fountain	R.	Debt	Sullivan	Ball v. McCall.
J. Marshall, P. Sweetser	M. G. Bright, H. Brown	Bartholomew	A.	Debt	Sullivan	Graves v. Sims.
W. Peaslee	J. Ryman	Franklin	R.	Gambling	Dewey	State v. Miller.
C. C. Nave	W. Peaslee	Hendricks	R.	Debt	Blackford	State v. Harding.
A. Kinney	C. Hester	Monroe	R.	Debt	Blackford	Judah v. Brandon.
Dumont, Marshall, Drummond	Eggleston, Stevens, Dunn	Switzerland	R.	Will	Dewey	McCormick v. Malin.
A. Kinney, S. Gookins	W. J. Brown	Vigo	R.	Bond	Sullivan	Tatem v. Potts.
J. Payne, R. Crawford	J. Marshall, R. Thompson	Lawrence	R.	Debt	Sullivan	Fellows v. Kress.
R. Chandler		Warren	R.	Debt	Blackford	Rittenour v. McCausland.
J. Newman, C. B. Smith	C. Test	Fayette	R.	Debt	Blackford	Smith v. Ackerman.
A. Ingram, J. Baird	W. Jenners	Tippecanoe	A.	Damages	Sullivan	State v. Digby.
J. Newman	D. Macy	Henry	A.	Note	Sullivan	Berger v. Henderson.
P. Sweetser	H. Cooper	Allen	R.	Note	Dewey	Allison v. Hedges.
R. C. Gregory	A. S. Lane, S. C. Willson	Montgomery	A.	Infant	Sullivan	Keeran v. Clowser.
S. C. Stevens	M. G. Bright	Jefferson	A.	Debt	Dewey	Carlisle v. Dunn.
W. Peaslee	D. Colerick, W. H. Coombs	Allen	R.	Taxes	Dewey	State v. Noll.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Marshall	S. C. Stevens	Switzerland	R.	Debt	Blackford	Sheets v. Dufour.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Debt	Blackford	Robideau v. Ewing.
J. Newman	C. B. Smith	Union	R.	Debt	Sullivan	Wood v. Thomas.
C. C. Nave	W. Quarles	Hendricks	R.	Debt	Dewey	Faught v. Crosby.
A. S. White, R. Lockwood	J. Pettit	Tippecanoe	A.	Trespass	Dewey	Seymour v. Watson.
J. Ryman	G. Holland	Franklin	A.	Debt	Blackford	Taylor v. Claypool.
C. C. Nave		Hendricks	R.	Debt	Dewey	Downard v. Sluder.
J. Pettit	W. Peaslee	Tippecanoe	A.	Billiard	Dewey	Blanton v. State.
C. C. Nave	W. Quarles	Hendricks	A.	Note	Blackford	Wilcox v. Ratliff.
J. Ryman	C. Test	Union	R.	Note	Sullivan	Street v. Mullin.
Fletcher, Butler, Yandes	H. Brown	Marion	A.	Debt	Sullivan	Johnson v. Clark.
Wright, Lockwood, Mace	T. Howard, W. Bryant	Parke	R.	Slander	Sullivan	Harvey v. Coffin.
W. Jenners, R. Chandler	J. Pettit	Tippecanoe	R.	Ejectment	Dewey	Stackhouse v. Doe.
M. M. Ray	J. Newman, C. Test	Wayne	A.	Debt	Blackford	Orput v. Miller.
H. Cooper	W. Peaslee	Noble	R.	Counterfeit	Sullivan	Chamberlain v. State.
G. Holland	J. Ryman	Franklin	A.	Libel	Dewey	Clarkson v. McCarty.
J. Marshall	H. O'Neal	Jackson	R.	Murder	Blackford	Findley v. State.
Quarles, Marshall, Brown	H. O'Neal	Jackson	R.	Murder	Blackford	Summer v. State.
R. Chandler		Warren	R.	Debt	Dewey	Creekpaum v. Templeton.
R. Crawford	J. Collins	Floyd	A.	Note	Dewey	Groves v. Stephenson.
S. C. Stevens	J. Eggleston	Switzerland	R.	Debt	Blackford	Woods v. Harris.
J. Pettit	H. Lane, S. C. Willson	Tippecanoe	R.	Debt	Blackford	English v. Devarro.
W. Jenner, R. A. Chandler	R. C. Gregory	Warren	A.	Ejectment	Sullivan	Tillotson v. Doe.
G. G. Dunn	R. W. Thompson	Lawrence	R.	Damages	Dewey	Dodd v. Sheeks.
W. Wright	R. C. Gregory	Montgomery	R.	Note	Dewey	Patterson v. Graves.
Fletcher, Butler, Yandes	J. Morrison	Marion	R.	State Road	Blackford	Becker v. Hantsch.
A. S. White, R. Lockwood	Jenners, Chandler, Gregory	Fountain	A.	Debt	Blackford	Hysinger v. Coleman.
M. G. Bright	J. White	Jefferson	R.	Slander	Blackford	Woods v. Anderson.
W. Quarles	C. C. Nave	Hendricks	R.	Debt	Blackford	Taylor v. Perry.
D. Colerick, W. H. Coombs	H. Cooper	Lagrange	R.	Debt	Blackford	Codding v. Moore.
W. Wright	Fletcher, Butler, Yandes	Miami	R.	Debt	Sullivan	Linsee v. State.
T. Johnson	D. Colerick, W. H. Coombs	Allen	A.	Debt	Dewey	Parry v. Henderson.
C. W. Ewing, R. Buckenridge	Fletcher, Butler, Yandes	Cass	R.	Debt		Eldridge v. Yantes.
S. Parker	Smith, Newman, Holland	Fayette	A.	Bastardy	Blackford	Walker v. State.
W. Wright	Fletcher, Butler, Yandes	Cass	A.	Debt	Sullivan	Dillon v. State Bank.
H. Cooper	D. Colerick, T. Johnston	Allen	R.	Debt	Sullivan	Doe v. Daniels.
H. Thornton, J. W. Payne	G. G. Dunn	Orange	A.	Debt	Blackford	Glover v. Jennings.
P. Sweetland	R. Lockwood	Boone	R.	Debt	Blackford	Smith v. Bainbridge.
S. C. Stevens	J. Marshall, C. Cushing	Jefferson	R.	Debt	Sullivan	Munson v. Chesborough.
S. J. [illegible]	Fletcher, Butler, Yandes	Knox	R.	Debt	Sullivan	Crunkshank v. Henry.
H. O'[illegible]	G. G. Dunn	Lawrence	R.	Deed	Blackford	State v. Perkins.
S. J. [illegible]	C. Fletcher, O. Butler, S. Yandes, A. T. Ellis	Knox	R.	Debt	Blackford	Brackman v. Kuykendall.
R. [illegible]	H. O'Neal	St. Joseph	R.	Taxes	Blackford	Mount v. State.
[illegible] W. H. Coombs	H. Cooper	Allen	A.	Debt	Blackford	Henderson v. Barbee.
M. G. B[illegible]	J. Marshall	Scott	R.	Debt	Sullivan	Wells v. Rawlings.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
C. C. Nave	Fletcher, Butler, Yandes	Morgan	R.	Note	Sullivan	Miller v. Bottorff.
H. O'Neal	W. Quarles, C. C. Nave	Boone	R.	Weapons	Blackford	State v. Duzan.
W. M. Jenners, R. A. Chandler	J. Pettit	Tippecanoe	R.	Debt	Blackford	Graham v. State.
A. Griffith		Jackson	R.	Note	Sullivan	Anderson v. Hamilton.
C. H. Test	H. O'Neal	Henry	R.	Counterfeiting	Sullivan	Peoples v. State.
J. Pitcher	E. Terry	Gibson	R.	Debt	Dewey	Latham v. Barlow.
A. Kinney, A. T. Ellis	S. Judah	Knox	A.	Debt	Blackford	Martin v. Pace.
D. Colerick, W. H. Coombs	T. Johnson	Allen	R.	Debt	Dewey	Henderson v. Reeves.
H. O'Neal	S. Judah	Knox	R.	Liquor	Sullivan	State v. Graeter.
R. Lockwood	H. O'Neal	Boone	A.	Extortion	Blackford	Emory v. State.
S. Parker	C. H. Test	Union	R.	Debt	Sullivan	Snyder v. Norris.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Debt	Sullivan	Prentiss v. Hinton.
G. Holland	H. O'Neal	Franklin	R.	Taxes	Blackford	Williams v. State.
H. O'Neal	H. Brown	Morgan	R.	Riot	Blackford	State v. Scaggs.
J. Pettit	J. Liston, H. Cooper	St. Joseph	A.	Debt	Dewey	Hurd v. Earl.
R. Lockwood, D. Mace	J. Pettit	Tippecanoe	R.	Debt	Dewey	Weils v. Jackson.
J. Niles		Laporte	R.	Note	Dewey	Niles v. Porter.
J. Niles	Fletcher, Butler, Yandes	Laporte	R.	Debt	Sullivan	Robb v. Vieory.
H. O'Neal	J. Pitcher	Vanderburg	R.	Extortion	Dewey	State v. McDonell.
C. Hester, J. Watts	G. Dunn	Monroe	A.	Slander	Dewey	Sanders v. Johnson.
Petitt, Ingram, Baird, Scott	R. Lockwood, D. Mace	Tippecanoe	A.	Debt	Blackford	Sherry v. Foresman.
D. Colerick, W. H. Coombs	T. Johnson	Allen	R.	Debt	Dewey	Comparet v. Johnson.
H. O'Neal	S. Judah	Knox	R.	Perjury	Blackford	State v. Cruikshank.
S. Parker	C. H. Test	Fayette	A.	Debt	Dewey	Remington v. Henry.
J. B. Howe	D. Colerick, W. H. Coombs	Dekalb	R.	Slander	Sullivan	Culbertson v. Stanley.
A. Kinney, S. Gookins	C. W. Barbour, W. P. Bryant	Vigo	R.	Debt	Sullivan	Brown v. Rose.
R. A. Chandler	R. C. Gregory	Warren	R.	Debt	Dewey	Stewart v. Cantrall.
J. Payne	W. A. Porter	Harrison	R.	Debt	Blackford	Steepleton v. McNeely.
J. Marshall, C. Cushing	S. C. Stevens	Jefferson	R.	Debt	Blackford	Thomas v. Page.
C. H. Test	Parker, Newman, Smith	Fayette	A.	Debt	Sullivan	Vance v. State.
J. Brackenridge		Vanderburg	R.	Debt	Dewey	Clark v. Walker.
C. C. Nave		Hendricks	R.	Paupers	Dewey	Staunton v. State.
Fletcher, Butler, Yandes, Law	S. Judah	Knox	A.	Ejectment	Dewey	Robinoe v. Doe.
T. Johnson	Fletcher, Butler, Yandes	Allen	A.	Debt	Dewey	Hamilton v. Ewing.
M. Bright	J. Marshall	Jennings	A.	Debt	Dewey	Madison Ins. Co. v. Staugh.
Fletcher, Butler, Yandes	W. Wright	Miami	R.	Debt	Dewey	State v. Mowbray.
C. H. Test	J. Newman	Wayne	R.	Debt	Blackford	Olds v. State.
A. Ingram, Z. Baird	R. Lockwood	Tippecanoe	R.	Debt	Dewey	Carnahan v. Brown.
W. Wright	C. B. Smith	Cass	R.	Debt	Blackford	Hawk v. Pollard.
H. O'Neal, D. Macy	G. Tingley	Wayne	R.	Riot	Sullivan	State v. Ringer.
S. Parker	H. O'Neal	Fayette	R.	Indictment	Sullivan	Tate v. State.
R. Chandler	R. C. Gregory	Warren	A.	Debt	Blackford	Watkins v. Gregory.
J. Wright	T. Howard	Vermillion	R.	Debt	Blackford	White v. Fortune.

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Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
R. C. Gregory	W. Jenners, R. A. Chandler	Fountain	R.	Debt	Dewey	Wilson v. Merkle.
M. G. Bright	W. Lyle	Jefferson	A.	Note	Blackford	Sheets v. Pabody.
W. W. Wick	A. Kinney, S. Gookins	Clay	R.	Debt	Sullivan	White v. Elkin.
W. Jenners, R. Chandler	Z. Baird	Warren	A.	Tax	Dewey	Aldrich v. Hawkins.
R. Chandler	R. C. Gregory	Fountain	R.	Debt	Sullivan	Bishop v. Yeazle.
C. W. Ewing, R. Brackenridge	W. Jenners, J. B. Howe	Noble	A.	Debt	Blackford	Cross v. Watson.
J. Newman	C. B. Smith	Wayne	R.	Debt	Blackford	Hamilton v. Mitchell.
J. Dumont, P. Spooner	G. H. Dunn	Marion	R.	Note	Dewey	Livingstone v. Ind. Ins. Co.
H. Cooper	W. H. Coombs	Noble	R.	Debt	Sullivan	Kain v. Gradon.
W. Jenners	J. Pettit	Tippecanoe	R.	Will	Sullivan	Fancher v. Ingraham.
W. Peaslee	P. Sweetser	Decatur	R.	Replevin	Dewey	Richardson v. Adkins.
A. Kinney, S. Gookins	C. Hester	Clay	A.	Ejectment	Blackford	Rawley v. Doe.
C. Test		Wayne	R.	Title	Blackford	Barton v. Osborn.
H. Cooper	R. A. Brackenridge	Allen	R.	Debt	Sullivan	Brown v. Lasselle.
D. Colerick, W. H. Coombs	W. Wright, H. Cooper	Allen	R.	Debt	Sullivan	Southwick v. The Packet Boat Clyde.
E. S. Ferry	J. Pitcher	Pike	A.	Debt	Dewey	State v. Soverns.
J. B. Howe	Colerick, Coombs, Johnson	DeKalb	R.	Slander	Blackford	Ricket v. Stanley.
H. O'Neal, C. Hester	A. Kinney, S. Gookins	Clay	R.	Debt	Sullivan	State v. Leonard.
C. Test	J. Newman	Wayne	A.	Debt	Blackford	Sloan v. Trading Co.
J. Smith	C. Test	Delaware	A.	Mal. Pros.	Dewey	Steel v. Pope.
T. Howard	J. Wright	Parke	R.	Debt	Dewey	Payne v. Miller.
J. Howe	H. Cooper	Lagrange	R.	Debt	Blackford	Nichols v. Woodruff.
A. Kennedy	J. Brownlee	Grant	A.	School	Sullivan	Crawford v. Dean.
J. Howe	D. Colerick, W. H. Coombs	Lagrange	R.	Note	Sullivan	Graves v. Clark.
R. Lockwood	W. Jenners, R. Chandler	Tippecanoe	A.	Debt	Sullivan	Reynolds v. Smith.
W. Jenners, R. Chandler	R. C. Gregory	Warren	A.	Debt	Sullivan	Thomas v. Wilson.
C. Ewing, R. Brackenridge	H. Cooper, T. Johnson	DeKalb	R.	Slander	Dewey	Nelson v. Robe.
J. Niles	J. Chapman	Laporte	A.	Debt	Dewey	Hamilton v. Overton.
H. Barbour	N. Hammond	Bartholomew	R.	Debt	Sullivan	Brown v. McQueen.
J. Pitcher	W. Jones	Posey	A.	Trover	Dewey	Barton v. Dunning.
G. Tingley	P. Hackleman	Rush	R.	Debt	Blackford	Frazer v. Smith.
C. B. Smith	H. O'Neal	Henry	A.	Bond	Dewey	Wilson v. State.
G. Tingley	C. B. Smith	Rush	R.	Title	Blackford	Mahan v. Reeve.
P. Sweetser	Fletcher, Butler, Yandes	Marion	R.	Debt	Sullivan	Williams v. Moorehouse.
W. W. Wick	C. Hester	Sullivan	R.	Debt	Blackford	State v. Johnson.
R. Lockwood	A. Ingram, J. Scott	Tippecanoe	A.	Debt	Dewey	Taylor v. Gay.
C. Cushing, J. Marshall	M. Bright	Jefferson	R.	Debt	Blackford	Cushing v. Mendell.
W. Jenners	R. Lockwood	Tippecanoe	A.	Note	Dewey	Hartley v. Ellis.
C. B. Smith	S. Parker, C. Test	Fayette	A.	Slander	Blackford	Barker v. Miller.
D. Mace, H. Lane, S. C. Wilson	T. Hord, R. C. Gregory	Fountain	A.	Insurance	Sullivan	Bell v. Boge.
D. Mace, D. S. Major, G. H. Dunn	S. C. Sexton	Dearborn	R.	Debt	Sullivan	Pierce v. [illegible]
W. Peaslee	C. C. Nave, H. Ball	Morgan	R.	Replevin	Sullivan	Bailey v. [illegible]
R. C. Gregory	W. Jenners, R. C. Gregory	Warren	R.	Debt	Dewey	Stewart v. Stewart
J. F. Elliott	J. Newman	Henry	A.	Debt	Dewey	Wesley v. Funk

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
A. Ingram, Z. Baird	R. Chandler	Tippecanoe	R.	Debt	Blackford	Spears v. Clark.
H. Cooper	T. Johnson	Huntington	R.	Replevin	Dewey	Lewis v. Masters.
J. Marshall	R. Crawford	Clark	R.	Debt	Blackford	Prather v. Lentz.
C. C. Nave	L. Barbour	Hamilton	A.	Debt	Blackford	Wiley v. Forsee.
H. O'Neal	T. Johnson	Dekalb	A.	Liquor	Sullivan	State v. Freeman.
J. Payne	W. Otto	Jackson	R.	Damage	Sullivan	Tuell v. Wrink.
J. Jernegan	J. Niles, J. Bradley	Laporte	A.	Debt	Dewey	Allen v. State.
C. Fletcher, O. Butler, S. Yandes	Quarles, Brown, Sweetser	Marion	A.	Libel	Dewey	Hartsock v. Riddick.
G. H. Dunn	J. Ryman, P. Spooner	Decatur	A.	Debt	Blackford	Robinson v. Tousey.
J. Marshall	H. Thornton, A. C. Griffith	Clark	A.	Damage	Blackford	Amick v. O'Hara.
H. Cooper	P. Sweetser	Huntington	R.	Debt	Sullivan	State v. Hood.
J. Newman	J. B. Julian	Wayne	R.	Replevin	Dewey	Gentry v. Bargis.
T. Johnson	H. Cooper	Allen	R.	Debt	Dewey	Cook v. Hedges.
J. Newman		Delaware	A.	Assault & Bat.	Dewey	Reese v. Bolton.
H. Cooper		Allen	R.	Debt	Blackford	Butter v. Sturges.
G. H. Dunn	J. Payne	Washington	R.	Trespass	Blackford	Arnold v. Maudlin.
J. Niles, J. Liston	J. Jernegan, J. Defrees	St. Joseph	R.	Replevin	Blackford	Andre v. Johnson.
W. Peaslee	H. O'Neal	Decatur	R.	Trespass	Blackford	Barger v. State.
E. McGaughey	J. Cowgill	Putnam	A.	Debt	Blackford	Layman v. Waynick.
J. Pettit	A. Ingram, Z. Baird	Tippecanoe	A.	Debt	Dewey	Bradley v. Ward.
J. Pitcher		Posey	R.	Debt	Sullivan	Rock v. Gordon.
G. Tingley	J. Smith, J. Newman	Randolph	A.	Title	Blackford	Stanley v. Brannon.
H. Brown, W. Quarles	Fletcher, Butler, Yandes	Madison	A.	Debt	Blackford	Vandeventer v. Pittsford.
H. Cooper	W. Wright	Allen	R.	Debt	Sullivan	McIntosh v. Shotwell.
G. H. Dunn	P. Sweetser	Decatur	A.	Debt	Dewey	Lowe v. Blair.
S. W. Parker	H. O'Neal	Henry	A.	Bond	Dewey	Crandall v. State.
R. Jones		Tippecanoe	R.	Debt	Blackford	Foresman v. Marsh.
R. C. Gregory	H. Lane, S. C. Willson	Montgomery	R.	Debt	Dewey	James v. Nicholson.
J. Ryman, P. Spooner	D. Macy	Dearborn	A.	Debt	Dewey	McClure v. Cole.
J. Pettit	A. Robinson	Carroll	A.	Debt	Dewey	Jones v. Gresham.
H. Cooper	J. Howe	Lagrange	R.	Debt	Blackford	**Hagerty v. Wood.**
R. C. Gregory, S. C. Willson	R. Lockwood	Montgomery	R.	Debt	Blackford	Powers v. Hamilton.
T. Howard	E. McGaughey	Putnam	R.	Mal. Pros.	Dewey	Bartlett v. Jennison.
C. B. Smith, J. Newman	S. Parker, C. Test	Fayette	R.	Debt	Blackford	Connersville v. Wadleigh.
J. Collins, J. Payne	H. Thornton, G. H. Dunn	Washington	R.	Will	Blackford	McPheeters v. McPheeters.
Z. Baird	D. Mace	Tippecanoe	R.	Debt	Dewey	Holeman v. Lamme.
S. C. Stevens	J. Marshall	Jefferson	R.	Debt	Dewey	Park v. Ballentine.
R. Lockwood	Z. Baird	Tippecanoe	R.	Debt	Sullivan	Tyson v. State Bank.
R. Lockwood	G. Orth	Tippecanoe	A.	Debt	Dewey	White v. Guest.
G. Holland	J. Ryman	Franklin	A.	Debt	Blackford	Voorhees v. Hoagland.
W. Jenners, R. Chandler	R. Lockwood	Tippecanoe	R.	Debt	Dewey	Jenners v. Oldham.
W. Wright	Fletcher, Butler, Yandes	Cass	A.	Mortgage	Sullivan	Miller v. Tipton.
W. Jenners, R. Chandler	R. Lockwood	Tippecanoe	R.	Debt	Sullivan	Jenners v. Howard.
J. Whitcomb, J. Law	S. Judah	Knox	R.	Debt	Dewey	Scott v. Brokaw.
W. Peaslee, W. W. Wick	J. Ryman	Decatur	R.	Debt	Dewey	McKinney v. Harter.
H. Brown	Fletcher, Butler, Yandes	Marion	R.	Divorce	Dewey	Martin v. Martin.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
M. Bright	S. Stevens	Jefferson	A.	Ejectment	Sullivan	Whitney v. Rightclaim.
G. H. Dunn	J. Ryman	Decatur	R.	Debt	Blackford	Fowler v. Throckmorton.
H. Lane, S. C. Willson	R. C. Gregory	Montgomery	A.	Ejectment	Sullivan	Barr v. Doe.
H. Cooper	J. Howe	Lagrange	R.	Debt	Sullivan	Woodruff v. Clark.
J. Whitcomb	H. O'Neal	Vigo	R.	Bond	Blackford	Burton v. State.
G. Holland	J. Ryman	Franklin	R.	Ejectment	Sullivan	Eldon v. Doe.
H. O'Neal	H. Thornton	Jackson	A.	Theft	Blackford	State v. Tuell.
H. O'Neal, J. Watts	C. Hester, B. Champer	Owen	R.	Supervisor	Sullivan	State v. Harsh.
A. Lovering, H. Thornton	R. Crawford	Clark	R.	Debt	Blackford	Salmon v. Brown.
C. Hester, B. Champer	A. Kinney, S. Gookins	Putnam	A.	Debt	Dewey	State v. Scott.
W. W. Wick	J. Ryman	Decatur	A.	Debt	Blackford	Halsey v. Hazard.
R. A. Lockwood, D. Mace	H. Allen	Tippecanoe	A.	Debt	Blackford	Babcock v. Cummins.
H. O'Neal	H. Brown	Marion	R.	Betting	Sullivan	State v. Little.
Ewing, Brackenridge, Sweetser	Fletcher, Butler, Yandes	Miami	R.	Debt	Dewey	Livingood v. Livingood.
C. Hester	J. Eccles	Morgan	A.	Debt	Blackford	Duncan v. Cox.
S. Major	Fletcher, Butler, Yandes	Shelby	R.	Debt	Sullivan	Boon v. Murphy.
H. O'Neal	J. Johnson	Franklin	A.	Indictment	Dewey	State v. Deniston.
W. Jenners, R. Chandler	R. C. Gregory	Fountain	A.	Habeas Corpus	Dewey	Cracker v. Duncan.
J. Marshall	M. Bright	Jefferson	A.	Debt	Blackford	Cowden v. Kerr.
J. Whitcomb, T. Howard	H. O'Neal	Parke	A.	Murder	Dewey	Beauchamp v. State.
W. Jenners, R. Chandler	Z. Baird	Tippecanoe	R.	Debt	Blackford	Curtis v. State Bank.
Newman, Cox, Hackleman	H. O'Neal	Rush	A.	Counterfeit	Blackford	Ross v. State.
H. Cooper, T. Johnson	W. Wright	Huntington	A.	Debt	Sullivan	Helvey v. The Board.
H. O'Neal	C. Fletcher, O. Butler, S. Yandes, S. C. Stevens.	Marion	R.	Taxes	Blackford	State v. State Bank.
D. Coleriek, W. H. Coombs	R. Brackenridge	Allen	R.	Slander	Blackford	Hickley v. Grosjean.
A. Griffith	H. Thornton	Washington	R.	Debt	Dewey	Atkinson v. Starbuck.
H. Cooper	T. Johnson	Noble	A.	Title	Dewey	Steward v. Haynes.
H. Biddle, H. Chase	W. Wright	Cass	R.	Debt	Dewey	Dumont v. McCracken.
C. Hester	S. Gookins	Clay	A.	Child	Blackford	Dalton v. State.
S. C. Stevens	M. Bright	Jefferson	R.	Boat	Blackford	Powell v. Kinney.

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W. Quarles, H. Brown	Fletcher, Butler, Yandes	Marion	A.	Debt	Sullivan	Sutton v. Fletcher.
J. Wright	T. Howard	Parke	A.	Debt	Dewey	Campbell v. Baldwin.
A. Kinney, S. Gookins	J. Usher	Vigo	R.	Debt	Blackford	Chandler v. Davidson.
[illegible]	Fletcher, Butler, Yandes	Marion	R.	Debt	Sullivan	Smith v. Gibson.
[illegible]		Warren	R.	Debt	Sullivan	Cutsinger v. Stewart.
[illegible]	D. Mace	Montgomery	A.	Bond	Dewey	Fisher v. Lackey.
J. [illegible]	J. Jernegan	St. Joseph	A.	Assault	Dewey	Andrew v. Johnson.
J. [illegible]	J. Jernegan	Laporte	A.	Trover	Blackford	Johnson v. Crawford.
[illegible]	W. Quarles, C. Fletcher, O. Butler, S. Yandes	Marion	R.	Usury	Blackford	Indpls. Ins. Co. v. Brown
[illegible]	[illegible]	Pike	R.	Trover	Sullivan	Grubb v. Newby
[illegible]	[illegible]	Bartholomew	R.	Sheriff	Sullivan	State v. Herod
[illegible]	A. W. Wick, L. Barbour	Marion	A.	Debt	Sullivan	Seerright v. Fletcher.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Pitcher	S. Stevens	Warrick	R.	Bastardy	Dewey	Hunter v. State.
C. B. Smith, S. Parker	C. Test	Fayette	R.	Debt	Dewey	Frazee v. Jones.
J. Payne, H. Thornton	R. Crawford	Floyd	A.	Debt	Sullivan	Hickman v. Reinking.
R. Lockwood	H. Biddle	Cass	R.	Debt	Blackford	Platt v. Scott.
W. Peaslee	J. Ryman	Shelby	A.	Title	Blackford	McNeely v. Rucker.
H. Thornton	J. Payne	Washington	R.	Horse Trade	Sullivan	Davis v. Davis.
E. McGaughey	J. Cowgill	Putnam	R.	Debt	Sullivan	State v. Lynch.
C. Fletcher, O. Butler, S. Yandes	Jernegan, Wick, Barbour	Elkhart	R.	Replevin	Dewey	Middleton v. Harris.
W. Jones		Vanderburg	R.	Debt	Dewey	Halbert v. Stinson.
L. Barbour	H. Brown, W. Quarles	Marion	R.	Debt	Blackford	Young v. Perry.
J. Pettit	Mace, Lane, Willson	Tippecanoe	R.	Debt	Sullivan	Runnion v. Beard.
A. Lane	Ryman, Spooner, Macy	Dearborn	A.	Replevin	Dewey	Fuller v. Wilson.
J. Julian	H. O'Neal	Wayne	R.	Extortion	Dewey	Seany v. State.
J. Dumont	W. Lyle	Ripley	R.	Slander	Blackford	McCabe v. Platter.
M. Bright	S. Stevens	Jefferson	R.	Trespass	Blackford	Wasson v. Canfield.
C. B. Smith	S. W. Parker	Union	R.	Debt	Sullivan	Ridenour v. McClurkin.
C. B. Smith, J. Ryman	S. Parker, J. Newman	Fayette	A.	Debt	Blackford	Lines v. State.
Eggleston, Dunn, Marshall	S. Stevens, M. Bright	Switzerland	R.	Title	Blackford	McCormick v. McClure.
T. Johnson	Brackenridge, Cooper	Allen	R.	Replevin	Sullivan	Britton v. Morss.
Usher, Griswold, Brown	Barbour, Kinney, Gookins	Vigo	A.	Trover	Sullivan	Burton v. Tannehill.
Z. Baird	H. Lane, S. C. Willson	Tippecanoe	R.	Debt	Dewey	Hoover v. Johnson.
D. Mace	H. Lane, S. C. Willson	Tippecanoe	A.	Debt	Dewey	Bales v. Binford.
T. Johnson	H. Cooper	Allen	R.	Debt	Dewey	Comparet v. Hedges.
R. Lockwood, D. Mace	H. Lane, S. C. Willson	Montgomery	R.	Debt	Blackford	Crosby v. Tichenor.
J. Lockhart	J. Pitcher	Spencer	R.	Debt	Blackford	Wright v. Basye.
J. Ryman, P. Spooner	J. Dumont	Dearborn	A.	Debt	Sullivan	Neff v. Powell.
W. Coombs	H. Cooper	Lagrange	R.	Marriage	Sullivan	State v. Cain.
A. Ingram	D. Mace	Tippecanoe	A.	Debt	Blackford	Henkle v. German.
D. Mace	G. S. Orth	Tippecanoe	A.	Debt	Dewey	Beard v. Kinney.
G. H. Dunn	J. Watts	Martin	A.	Watercourse	Dewey	Pine v. Pro.
T. Johnson	W. Coombs	Huntington	R.	Liquor	Sullivan	Boles v. McCarty.
J. Payne, W. T. Otto	H. Thornton	Jackson	A.	Ejectment	Dewey	Doe v. Cunningham.
J. Newman, M. M. Ray	C. Test	Wayne	R.	Debt	Dewey	Roller v. Cuslar.
R. Crawford	A. Griffith	Clark	R.	Debt	Blackford	King v. Campbell.
J. Collins	J. Marshall	Floyd	R.	Debt	Sullivan	White v. Rogers.
W. Quarles, A. M. Brown	H. Brown	Madison	R.	Debt	Sullivan	Irish v. Irish.
W. W. Wick, L. Barbour	Fletcher, Butler, Yandes	Marion	A.	Debt	Sullivan	Lister v. Baker.
R. Chandler	A. Hammond	Warren	A.	Bastardy	Sullivan	Davis v. State.
C. Cushing, S. C. Stevens	J. Morrison	Jefferson	A.	Slander	Dewey	McIntire v. Young.
S. C. Stevens		Spencer	R.	Debt	Blackford	Goodlet v. Britton.
J. Pitcher	J. Lockhart	Crawford	R.	Nonfeasance	Blackford	Lathrop v. State.
W. W. Wick, L. Barbour	W. Quarles, P. Sweetser	Marion	A.	Damages	Sullivan	Chapman v. Woods.
J. Newman	C. B. Smith	Wayne	R.	Debt	Dewey	Wilson v. Stanton.
J. Newman	C. Test	Wayne	R.	Debt	Dewey	Wilson v. Black.
C. Hester	J. Watts	Greene	A.	Debt	Blackford	Vanslype v. Gilmore.
T. Howard, P. Sweetser	G. H. Dunn, J. Dumont	Decatur	R.	Contract	Sullivan	McKinney v. Springer.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Newman	G. Tingley	Rush	R.	Debt	Dewey	Mahan v. Power.
W. Barbour	A. Kinney, S. Gookins	Vigo	A.	Debt	Dewey	King v. Strain.
R. Lockwood	G. Orth	Tippecanoe	A.	Mortgage	Blackford	White v. Wilson.
J. Howe	W. Coombs	Lagrange	R.	Usury	Blackford	Merriman v. State.
C. B. Smith	C. Test	Fayette	A.	Debt	Blackford	Daniels v. Stone.
A. L. Robinson	J. Pettit	Carroll	A.	Debt	Blackford	Bowen v. Gresham.
W. Jenners, R. Chandler	Z. Baird, R. Lockwood	Tippecanoe	R.	Debt	Blackford	Ezra v. Manlove.
J. Julian, J. Newman	C. Test	Wayne	R.	Debt	Sullivan	Orput v. Hardy.
D. Mace	J. Pettit	Fountain	R.	Debt	Blackford	Burrows v. Yount.
G. Tingley	H. O'Neal	Rush	R.	Horse Race	Sullivan	Thrasher v. State.
A. Lane	J. Dumont	Dearborn	R.	Riot	Sullivan	Jackson v. State.
J. Pettit	D. Mace	Tippecanoe	R.	Debt	Dewey	Andrew v. Parker.
D. Mace	Z. Baird	Tippecanoe	R.	Debt	Dewey	Armstrong v. Milligan.
T. Johnson	W. Coombs	Allen	R.	Debt	Blackford	Noel v. State.
J. Ryman, P. Spooner	D. Macy	Dearborn	R.	Debt	Sullivan	James v. Lawrenceburg Insurance Co.
Quarles, Sweetser, O'Neal	Brown, Wick, Barbour	Marion	A.	Title	Sullivan	Allen v. Smith.
W. Coombs	A. Hammond	Lagrange	A.	Larceny	Dewey	Doty v. State.
T. Johnson		Allen	R.	Debt	Dewey	Dawson v. Shirley.
S. Parker, J. Smith	A. Hammond	Union	R.	Horse Race	Blackford	Finch v. State.
W. Peaslee	S. Major	Shelby	A.	Land	Blackford	Doe v. Yates.
W. Jenners, R. Chandler	R. C. Gregory	Fountain	R.	Ne exat	Sullivan	Crocker v. Dunkin.
D. Mace	Z. Baird	Tippecanoe	R.	Debt	Sullivan	Kelsey v. Ross.
R. Lockwood, W. Jenners	W. W. Wick	Boone	R.	Debt	Dewey	Stroud v. Davis.
C. Fletcher, O. Butler, S. Yandes	W. Wright	Cass	R.	Debt	Blackford	Dumont v. Wright.
H. Cooper	W. H. Coombs, O. H. Smith	Allen	R.	Debt	Blackford	Hilliard v. Hanna.
A. Hammond	S. Major	Shelby	R.	Liquor	Dewey	State v. Bertheol.
A. Lane	G. H. Dunn, J. Eggleston	Dearborn	R.	Ejectment	Blackford	Stevens v. Doe.
J. Collins	J. Payne, H. Thornton	Orange	R.	Mortgage	Blackford	Watson v. Clendennin.
H. Cooper, J. B. Howe	D. Colerick	Lagrange	A.	Debt	Sullivan	Bisel v. Hobbs.
J. Newman	J. Elliott	Henry	R.	Debt	Dewey	Murphy v. Elliott.
C. C. Nave	W. W. Wick, L. Barbour	Marion	R.	Debt	Dewey	Depew v. Wheelan.
W. Jenners	D. Mace	Tippecanoe	R.	Damages	Blackford	State v. Beackino.
C. Test	H. O'Neal	Henry	R.	Usury	Blackford	Groves v. State.
Jernegan, Chairman, Osborn	J. Niles	St. Joseph	R.	Contract	Sullivan	Chamberlain v. Blue.
J. Ryman, P. Spooner	E. Dumont	Dearborn	R.	Title	Blackford	Philbrick v. Goodwin.
J. Henry, G. Dodge	A. Hammond, J. Pitcher	Vigo	R.	Murder	Blackford	Doss v. State.
S. C. Willson	D. Mace	Montgomery	R.	Perjury	Sullivan	State v. Hall.
J. Bradley	J. Niles	Laporte	A.	Bond	Sullivan	Board v. Polk.
J. Bradley, J. Easton	A. Osborn	Laporte	R.	Debt	Sullivan	Mills v. Stockton.
J. Newman	C. Test	Wayne	R.	Injunction	Sullivan	Addington v. Mormon.
J. Newman, G. Tingley	R. Cox, P. Hackleman	Rush	R.	Debt	Dewey	Ellis v. State.
O. H. Smith, W. H. Brownfield	J. Smith	Randolph	R.	Debt	Sullivan	West v. Thornburgh
D. Mace, D. Macy	J. Ristine	Dearborn	A.	Debt	Dewey	Springer v. Spooner.
R. C. Gregg	H. Forsythe, A. Griffith	Clark	R.	Estate	Dewey	Patterson v. Sweeney.
A. Hammond	W. Wick	Marion	R.	Legacy	Blackford	State v. Smith.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
P. Sweetser	O. H. Smith, W. Brumfield	Marion	R.	Debt	Blackford	Smith v. Wright.
O. H. Smith	Johnson, Ryman, Spooner	Franklin	R.	Debt	Sullivan	Green v. Kimble.
R. Chandler	G. Lawson	Warren	R.	Debt	Dewey	High v. Taylor.
R. Chandler	G. Orth	Tippecanoe	A.	Debt	Dewey	Vestal v. Burditt.
C. Cushing, J. Marshall	S. C. Stevens	Jefferson	R.	Debt	Blackford	Lodge v. State Bank.
R. C. Gregory	H. Lane, S. C. Willson	Montgomery	A.	Trespass	Blackford	Ham v. Rodgers.
W. Herod	A. Hammond	Bartholomew	R.	Debt	Sullivan	State v. Hook.
D. Colerick, W. H. Coombs	H. Cooper	Allen	R.	Debt	Dewey	Pichon v. McHenry.
D. Macy	J. Ryman, P. Spooner	Dearborn	A.	Debt	Dewey	State v. Guard.
Z. Baird	R. Lockwood	Tippecanoe	R.	Debt	Blackford	Hanna v. Steinberger.
C. Barbour	A. Kinney, S. Gookins	Vigo	R.	Debt	Blackford	Jacque v. Denehie.
J. Marshall	G. H. Dunn	Clark	R.	Debt	Blackford	McHenry v. Duffield.
C. B. Smith	S. Parker	Fayette	A.	Bond	Blackford	Limpus v. State.
W. Coombs	T. Johnson	Wells	A.	Trespass	Blackford	State v. Brewer.
S. Parker, J. Newman	C. Smith	Fayette	R.	Debt	Sullivan	Williams v. Lines.
J. Bradley	J. Chapman	Elkhart	R.	Debt	Sullivan	Hatch v. Dickinson.
S. Willson	R. Gregory	Warren	R.	Perjury	Sullivan	State v. Johnson.
J. Dumont	J. Ryman, P. Spooner	Dearborn	R.	Bail	Sullivan	Middlewood v. Nevitt.
A. Griffith	H. Thornton	Jackson	R.	Will	Dewey	Gullett v. Housh.
A. Lane	J. Ryman, P. Spooner	Dearborn	A.	Note	Dewey	Buell v. Tate.
S. Judah	J. Whitcomb	Knox	R.	Debt	Sullivan	Greenhow v. Boyle
H. O'Neal, W. Quarels	W. W. Wick, L. Barbour	Marion	R.	Slander	Dewey	Alcorn v. Hooker.
Crawford, Payne, Dunn	J. Marshall, R. Thompson	Lawrence	R.	Debt	Dewey	Fellows v. Kress.
J. Newman, S. Perkins	J. Rariden	Wayne	R.	Mortgage	Sullivan	Doe v. Grimes.
W. Jenners, R. Jones	D. Mace	Tippecanoe	R.	Ejectment	Sullivan	Doe v. Mace.
J. Johnson	J. Ryman, P. Spooner	Franklin	R.	Debt	Dewey	Remy v. Butler.
H. Cooper	W. H. Coombs	Whitley	A.	Ejectment	Dewey	Doe v. Vandewater.
T. Howard	Fletcher, Butler, Maxwell	Parke	R.	Debt	Blackford	Justus v. Cooper.
D. Pratt, W. Wright	J. Pettit	Carroll	R.	Bond	Sullivan	State v. Stewart.
R. Chandler	R. C. Gregory, D. Brier	Warren	R.	Debt	Sullivan	Ephraims v. Murdock.
H. Lane, S. C. Willson	R. C. Gregory, D. Brier	Montgomery	R.	Ejectment	Dewey	Williamson v. Doe.
J. Chapman	J. Niles	Laporte	R.	Debt	Dewey	Early v. Foster.
H. Cooper	C. Ewing, R. Brackenridge	Allen	A.	Debt	Dewey	Ft. Wayne v. Jackson.
H. Cooper	C. Ewing, R. Brackenridge.	Huntington	A.	Trover	Blackford	Taylor v. Blount.
J. Newman	J. Julian	Wayne	A.	Debt	Blackford	Bond v. Brady.
J. Law	S. Judah	Knox	R.	Bond	Blackford	Harper v. State.
C. Test	C. B. Smith	Union	R.	Mortgage	Blackford	Strong v. Bragg.
J. Smith, D. Pratt	J. Brownlee	Grant	A.	Debt	Dewey	Wright v. State.
J. Smith	J. Brownlee	Randolph	R.	Quo warranto	Blackford	Eaton v. State.
J. Whitcomb, J. Law, A. Ellis	S. Judah	Knox	A.	Title	Dewey	Scott v. Purcell.
J. Hanna		Clay	R.	Debt	Dewey	State v. Cromwell.
G. H. Dunn		Decatur	A.	School	Dewey	State v. Grant.
J. Hanna	J. Cowgill, E. McGaughey	Clay	R.	Trespass	Dewey	Kreger v. Osborn.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
C. B. Smith, J. Newman	S. W. Parker, C. Test	Fayette	R.	Debt	Sullivan	Milliken v. State.
W. W. Wick, L. Barbour	C. Fletcher, O. Butler	Marion	R.	Debt	Dewey	Armstrong v. State.
S. Parker, C. Test	C. B. Smith, J. Newman	Henry	R.	Slander	Blackford	Byrket v. Monohon.
J. Newman	J. Rariden	Wayne	A.	Estate	Sullivan	Smith v. Calloway.
J. Usher	A. Kinney, S. Gookins	Vermilion	A.	Nonfeasance	Sullivan	State v. Boyles.
J. Pitcher	J. Lockhart	Gibson	R.	Retailing	Dewey	Taylor v. State.
J. S. Reid	J. Newman	Union	R.	Debt	Dewey	Vanvacter v. Patterson.
R. Chandler	Z. Baird	Tippecanoe	R.	Mortgage	Blackford	Clark v. Spears.
D. Wallace	A. Hammond	Noble	A.	Liquor	Blackford	Shearer v. State.
P. Sweetser	O. H. Smith	Hancock	R.	Debt	Sullivan	Walpole v. Cooper.
H. Chase	D. Pratt	Cass	A.	Title	Sullivan	Pierce v. Gates.
J. Johnson	J. Ryman	Franklin	R.	Murder	Dewey	Cook v. State.
Battell, Fletcher, Butler	A. Hammond, S. Major	Perry	R.	Arson	Dewey	Richey v. State.
J. B. Niles	J. Chapman	Laporte	A.	Ejectment	Sullivan	Meeker v. Doe.
J. S. Newman	S. Parker, C. H. Test	Fayette	A.	Debt	Dewey	Connersville v. Wadleigh.
Z. Baird, R. C. Gregory	D. Mace	Tippecanoe	A.	Debt	Dewey	State Bank v. Ensminger.
W. H. Coombs, R. Brackenridge	H. Cooper, T. Johnson	Allen	A.	Trespass	Blackford	Gronour v. Daniel.
J. Sleeth	J. Reid	Union	A.	Debt	Blackford	Bennett v. Jones.
R. C. Gregory	R. Chandler	Warren	A.	Debt	Sullivan	Gregory v. Logan.
R. Crawford	J. Collins	Floyd	A.	Debt	Sullivan	Dorsey v. Badlock.
T. Johnson, D. Wallace		Noble	R.	Slander	Dewey	Richardson v. Hopkins.
H. Brown, A. A. Hammond	W. W. Wick, H. H. Barbour	Bartholomew	R.	Slander	Dewey	Hays v. Mitchell.
J. Rariden	J. S. Newman	Wayne	R.	Debt	Blackford	Smith v. Addleman.
J. A. Fay	J. S. Newman	Wayne	R.	Debt	Blackford	Justice v. Charles.
D. D. Pratt	J. Chapman, A. Osborn	Kosciusko	R.	Deed	Sullivan	Underhill v. Williams.
H. Cooper	R. Brackenridge	Huntington	A.	Estate	Sullivan	State v. Hood.
R. Chandler	D. Mace	Warren	R.	Debt	Dewey	Davis v. Crow.
G. H. Dunn	W. W. Wick, L. Barbour	Decatur	R.	Debt	Blackford	Blair v. Williams.
A. Ingram	J. Pettit, S. A. Huff	Tippecanoe	A.	Debt	Blackford	State Bank v. Slaughter.
J. Chapman	J. Marshall	Marshall	A.	Horse	Sullivan	Reed v. Spring.
J. Fay, J. S. Newman	C. Test	Fayette	R.	Debt	Sullivan	Milliken v. Latchem.
W. A. Porter	J. Payne	Harrison	R.	Debt	Dewey	State v. Westbrook.
A. Osborn, J. Liston	J. Jernegan	St. Joseph	R.	Debt	Dewey	Brownfield v. Vail.
S. C. Stevens, J. Marshall	J. Dumont	Switzerland	R.	Bond	Dewey	Paine v. State.
H. Brown	A. Hammond	Marion	R.	Damages	Blackford	VanBlaricum v. State.
W. W. Wick	C. C. Nave	Hendricks	R.	Ejectment	Blackford	Cavan v. Doe.
D. Colerick	R. Brackenridge	Allen	A.	Debt	Sullivan	State v. Yamanda.
H. Cooper	T. Johnson	Allen	R.	Title	Sullivan	Hedges v. Bird.
H. Cooper	J. Howe	Lagrange	R.	Debt	Sullivan	Ellison v. Johnson.
J. Morrison	S. Stevens	Jefferson	R.	Debt	Dewey	Gobble v. Gale.
A. Hammond, S. C. Willson	R. C. Gregory	Montgomery	A.	Bond	Dewey	State v. Montgomery.
J. Hume	J. Cowgill	Clay	A.	School Tax	Blackford	State v. Anderson.
D. Beer, R. C. Gregory	R. Chandler	Warren	A.	Debt	Blackford	Clow et al. v. Lowry
G. H. Smith, C. B. Smith	S. Parker	Fayette	R.	Ejectment	Blackford	Dewey v. Brown.
J. Morrison	C. C. Nave	Hendricks	A.	Bond	Sullivan	Degarmo v. Milhorne

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
C. C. Nave	J. Morrison	Hendricks	R.	Debt	Sullivan	Cox v. Hodge.
G. Holland	J. Johnson	Franklin	A.	Riot	Dewey	State v. Thurston.
G. Taylor, J. Bradley	R. Jones	Clinton	A.	Mortgage	Dewey	Thomas v. Bailey.
C. C. Nave	Fletcher, Butler, Yandes	Hendricks	R.	Debt	Blackford	Hinton v. Becher.
W. Porter, H. Thornton	J. Payne	Harrison	R.	Debt	Sullivan	Bean v. Keen.
D. Mace	Z. Baird	Tippecanoe	A.	Ejectment	Sullivan	Doe v. Heath.
W. Porter	J. Payne	Harrison	A.	Trespass	Dewey	State v. Aydelott.
T. Johnson, R. Brackenridge	W. Wright	Huntington	R.	Debt	Dewey	Vermilya v. Davis.
J. Ryman, P. Spooner	D. Macy	Dearborn	R.	Debt	Blackford	Conoway v. Hays.
D. Pratt	J. Smith, J. Brownlee	Grant	R.	Debt	Blackford	Massey v. Chance.
J. Sleeth	C. Test, J. Reid	Union	A.	Trespass	Blackford	Grove v. Bradenburg.
G. Holland	S. Parker, J. Newman	Fayette	A.	Estate	Sullivan	Howland v. Rench.
W. W. Wick, L. Barbour	W. Quarles, J. Bradley	Marion	R.	Debt	Sullivan	Shimer v. Hightshue.
W. Wright	D. Pratt	Cass	A.	Title	Dewey	Russell v. Todd.
R. C. Gregory	A. Ingram, R. Jones	Montgomery	R.	Ejectment	Blackford	Vance v. Township.
J. Pettit, S. Huff	A. Hammond, S. Major	Tippecanoe	R.	Gaming	Blackford	Ball v. State.
J. Marshall	S. Stevens	Clark	A.	Debt	Sullivan	Green v. White.
W. H. Coombs	L. Ferry	Noble	A.	Assault	Sullivan	State v. Moses.
W. H. Coombs, H. Cooper	J. Howe	Noble	R.	Debt	Dewey	Meriam v. State.
G. Holland	J. Johnston	Franklin	R.	Ejectment	Dewey	Butter v. Doe.
J. Pitcher	G. Green	Posey	R.	Debt	Blackford	Aldridge v. Dunn.
H. Cooper	W. Coombs, Brackenridge	Allen	A.	Slander	Blackford	Worth v. Butter.
J. Howe	D. Colerick, T. Johnson	Lagrange	R.	Debt	Blackford	Pierce v. McConnell.
J. Hanna	E. McGaughey	Clay	A.	Deed	Blackford	Nance v. Dunlavy.
C. Barbour	A. Kinney, S. Gookins	Vigo	R.	Mortgage	Sullivan	Johnson v. Watson.
D. Pratt	D. Mace	Carroll	R.	Debt	Sullivan	Sampson v. Grimes.
J. Marshall, R. Crawford	S. Stevens	Clark	A.	Mortgage	Sullivan	Shaeffer v. Sleade.
B. Thomas, O. H. Smith	A. Hammond, S. Major	Gibson	A.	Murder	Dewey	Weinzorpflin v. State.
D. Mace	G. B. Joiner	Fountain	R.	Debt	Sullivan	Elliott v. Doughty.
Cooper, Brackenridge, Coombs	L. Ferry, D. Wallace	Noble	R.	Debt	Dewey	Nichols v. Smalley.
H. Cooper	J. Howe	Lagrange	R.	Slander	Sullivan	Schoonover v. Rowe.
J. Newman	W. Bickle	Wayne	R.	Debt	Blackford	Ferguson v. Rhoades.
J. Howe	W. H. Coombs	Lagrange	R.	Title	Sullivan	Bunts v. Cole.
A. Robinson	D. Pratt	Carroll	A.	Covenant	Dewey	Grimes v. Alsop.
R. C. Gregory	H. Lane, S. C. Willson	Montgomery	A.	Trespass	Dewey	Gott v. Mitchell.
R. Chandler	B. Gregory	Warren	R.	Debt	Blackford	Hooker v. State.
J. Hanna	J. Cowgill	Putnam	R.	Lease	Blackford	Ricklets v. Ash.
C. Hester	J. Watts	Monroe	A.	Trespass	Sullivan	Stephens v. Lawson.
C. Hester	G. G. Dunn	Lawrence	R.	Debt	Sullivan	Biggs v. Evans.
J. Collins, W. Quarles, J. Bradley	H. Thornton	Orange	A.	Damage	Dewey	Dougherty v. Thompson.
S. W. Parker, J. Newman	C. B. Smith	Fayette	R.	Slander	Blackford	Crulman v. Marks.
Z. Baird	R. Chandler	Tippecanoe	R.	Debt	Blackford	Spears v. Clark.
A. Kinney, S. Gookins	W. Griswold, J. Usher	Vigo	R.	Foreclosure	Sullivan	Scott v. McMurran.
J. Newman	C. Test	Wayne	R.	Lien	Dewey	Kinsey v. Grimes.
C. Hester	J. Watts	Lawrence	R.	Debt	Blackford	Glover v. Foote.
W. W. Wick, L. Barbour	H. Brown	Marion	R.	Trespass	Sullivan	Glover v. Horton.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Dumont		Switzerland	R.	Foreclosure	Dewey	Burton v. Baxter.
J. Hanna	A. Kinney, S. Gookins	Clay	R.	Debt	Blackford	State v. Leonard.
H. Cooper	J. Howe	Lagrange	A.	Contract	Blackford	Ellison v. Chapman.
W. Porter	J. Payne	Harrison	R.	Debt	Blackford	State v. Inman.
O. Smith, W. Brumfield	C. Fletcher, O. Butler	Marion	R.	Deed	Dewey	Brumfield v. Palmer.
J. Pitcher	E. Edson, J. Lockhart	Posey	R.	Debt	Blackford	Fretageot v. Owen.
H. O'Neal	J. Marshall	Jefferson	R.	Assault	Blackford	State v. Kenndy.
W. Griswold, J. Usher	A. Kinney, S. Gookins	Vigo	R.	Debt	Sullivan	Wallace v. Clark.
Hammond, Herod, Major	H. Barbour, H. Thornton	Bartholomew	R.	Debt	Dewey	Wynn v. Kiser.
J. Ryman, P. Spooner	G. Holland	Franklin	A.	Debt	Blackford	Lynn v. Jeter.
F. Finch	W. Quarles, J. Bradley	Johnson	A.	Debt	Sullivan	Board v. Mullikin.
H. Thornton	J. Marshall	Clark	A.	Debt	Dewey	Rogers v. Perdue.
C. Test	J. Rariden	Wayne	R.	Debt	Blackford	McDorman v. Jellison.
S. Judah	B. M. Thomas	Knox	R.	Replevin	Sullivan	Purcell v. Thomas.
S. C. Willson		Fountain	R.	Liquor	Dewey	State v. Newer.
J. Law, L. Barbour	J. Pitcher, O. H. Smith	Vanderburg	A.	Lease	Blackford	Carpenter v. Shanklin.
W. Griswold	Thompson, Barbour	Vigo	R.	Debt	Sullivan	Usher v. Stewart.
J. Reid	J. Sleith	Union	R.	Trover	Dewey	Cully v. Ross.
J. Bradley	Hammond, Fletcher, Butler	Wabash	R.	Forgery	Blackford	Graham v. State.
A. Hammond	H. Brown	Bartholomew	R.	Office	Sullivan	State v. Herod.
C. Test	J. Newman, J. Perry	Wayne	A.	Office	Sullivan	Ham v. State.
J. Lockhart	J. Pitcher, C. Baker	Vanderburg	A.	Office	Sullivan	Royston v. State.
J. Brown, E. Dumont, T. Gazly	J. Ryman, P. Spooner	Dearborn	A.	Debt	Dewey	Dean v. Speakman.
Z. Baird	Jones, Mace, Jenners	Tippecanoe	R.	Debt	Blackford	Grimes v. Newell.
H. Cooper	D. Colerick, W. Coombs	Allen	R.	Land	Sullivan	Godfrey v. Cushman.
A. Ingram, R. Jones	Z. Baird	Tippecanoe	R.	Land	Dewey	Hanna v. Board.
D. Colerick, W. H. Coombs	Brackenridge, Johnson	Huntington	R.	Debt	Dewey	Wilt v. Bird.
C. C. Nave	W. W. Wick	Boone	A.	Debt	Blackford	Davis v. Heady.
S. C. Stevens	C. Cushing	Jefferson	R.	Debt	Sullivan	Paige v. Prentice.
J. Howe	W. Coombs	Lagrange	R.	Debt	Dewey	Nevils v. Campbell.
A. Kinney, S. Gookins	J. Usher	Vigo	R.	Debt	Blackford	James v. State.
C. Hester, A. Kinney	H. Thornton		R.	Title	Sullivan	Jenkins v. Prewitt.
J. Rowland, W. Otto	J. Payne	Washington	A.	Debt	Blackford	State v. Newby.
J. Brownlee, B. McClelland	J. Smith	Randolph	R.	Debt	Blackford	Jessup v. Gray.
D. Pratt	Liston, Niles, Osborn	Kosciusko	R.	Debt	Sullivan	Chapman v. Harper.
Colerick, Coombs, Brackenridge	H. Cooper	Allen	R.	Debt	Dewey	Brack'ridge v. McCulloch.
C. B. Smith, J. Newman	S. Parker	Fayette	R.	Debt	Blackford	Lewis v. Houston.

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R. C. Gregory	R. C. Gregory	Fountain	R.	Debt	Dewey	State v. Bodley.
J. Maxwell	C. C. Nave	Hendricks	A.	Debt	Blackford	Dickens v. State
A. Brackenridge, B. Davis	D. Mace	Tippecanoe	R.	Debt	Blackford	Stingley v. Kirkpatrick.
Colerick, Coombs, Bradley	R. Crawford	Floyd	R.	Trover	Sullivan	Robinson v. Gould
A. Hanna	J. Ryman, P. Spooner	Dearborn	A.	Debt	Dewey	State Bank v. Wymond.
H. P. Bell	W. Wright	Cass	R.	Debt	Blackford	Dumont v. Pope
D. D. Pratt	W. Wright	Miami	R.	Debt	Blackford	Scott v. Williams.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. Watts	C. Hester, H. Thornton	Daviess	A.	Debt	Sullivan	Berry v. McDonald.
R. Crawford	A. Lovering, H. Thornton	Clark	R.	Debt	Dewey	Hurst v. Hensley.
J. Hanna	E. McGaughey	Clay	R.	Debt	Dewey	Phipps v. Addison.
D. Wallace	L. Ferry	Allen	R.	Slander	Blackford	Roilla v. Follow.
R. Chandler, D. Mace	Z. Baird	Tippecanoe	R.	Debt	Sullivan	Ezra v. Manlove.
D. Colerick, J. Walpole	D. Walpole	Allen	R.	Contract	Dewey	Daniels v. Richie.
J. Defrees	J. Jernegan	St. Joseph	A.	Debt	Blackford	State v. State Bank.
J. Jernegan	R. Brackenridge	Allen	R.	Trover	Blackford	State Bk. v. Brackenridge.
D. Pratt	Mace, Lockwood, O'Neal	Carroll	R.	Debt	Sullivan	Bolles v. Haines.
J. Liston, J. Bradley	J. Jernegan	St. Joseph	A.	Deed	Sullivan	Parkinson v. Hanna.
D. Mace	R. C. Gregory	Fountain	R.	Lease	Dewey	Munson v. Wray.
H. Brown	W. W. Wick, L. Barbour	Hamilton	A.	Bond	Dewey	Cottingham v. State.
J. Newman	Dunn, Spooner, Hackleman	Rush	A.	Debt	Blackford	Cox v. Hazard.
Fletcher, Butler, Yandes	H. & H. Brown	Madison	A.	Debt	Sullivan	Richmond Mfg.Co.v.Davis.
C. Battell, C. Baker	W. W. Wick, L. Barbour	Gibson	R.	Debt	Dewey	Carpenter v. Montgomery.
C. B. Smith, J. Fay	S. Parker	Fayette	R.	Debt	Sullivan	Conner v. Myers.
C. B. Smith	S. Parker	Fayette	A.	Debt	Sullivan	Jones v. Myers.
D. Mace	G. Orth	Tippecanoe	R.	Damage	Dewey	Schuer v. Veeder.
J. Brownlee, B. McClelland	J. Smith	Randolph	R.	Debt	Dewey	Anderson v. Farns.
J. Brownlee	T. Sample	Grant	A.	Debt	Blackford	Bowser v. Bliss.
H. Thornton	A. Griffith	Washington	R.	Arbitration	Blackford	Hamilton v. Wort.
J. Reid	J. Yaryan	Union	R.	Debt	Sullivan	Macy v. Hollingsworth.
J. Lockhart	J. Goodlet	Warrick	R.	Libel	Sullivan	Hart v. Crow.
J. Julian	J. Newman	Wayne	A.	Debt	Dewey	Hannigan v. Hannah.
D. Mace	Lockwood, Jenners, Jones	Tippecanoe	A.	Mortgage	Dewey	Ryhn v. Cochran.
A. C. Griffith	H. Thornton	Washington	R.	Debt	Blackford	Atkinson v. Starbuck.
W. H. Coombs		Allen	R.	Debt	Sullivan	Dawson v. Compton.
H. Biddle	A. Robinson	Carroll	R.	Debt	Dewey	Gresham v. Bowen.
J. Morrison, S. Major	R. Mayhew	Shelby	A.	Estate	Sullivan	Johnson v. Robertson.
Howe, Colerick, Walpole	A. Hammond, S. Major	Allen	R.	Murder	Dewey	Doty v. State.
W. Brown	C. Fletcher, O. Butler	Marion	R.	Debt	Dewey	Brown v. Hart.
J. Rariden	J. Newman	Wayne	A.	Debt	Dewey	Jacobs v. Finkel.
C. Battell, S. Yandes	C. Baker	Vanderburg	R.	Mortgage	Sullivan	Goodsell v. Stinson.
C. Test, G. Tingley	C. B. Smith	Rush	R.	Ejectment	Dewey	Doe v. Abernathy.
J. Watts, H. Livingston	S. Yandes	Greene	R.	Trespass	Sullivan	West v. Rousseau.
Thornton, Collins, Quarles, Bradley	W. A. Porter	Orange	R.	Debt	Sullivan	Shirley v. Shirley.
D. Mace	Z. Baird, R. C. Gregory	Tippecanoe	R.	Debt	Dewey	Bell v. State Bank.
O. Smith, H. O'Neal, S. Yandes	W. W. Wick, L. Barbour	Marion	A.	Debt	Dewey	Marding v. Griffin.
J. Ryman, J. Sleeth	J. Perry, J. Reid	Union	R.	Debt	Dewey	Ward v. Leviston.
D. Colerick, J. Walpole	W. H. Coombs	Huntington	R.	Debt	Blackford	Mahan v. Sherman.
C. C. Nave	E. McGaughey	Hendricks	A.	Debt	Sullivan	Joyce v. Hufford.
H. Cooper	W. H. Coombs, M. Bright	Allen	A.	Assault	Dewey	Berry v. Borden.
A. Davidson	J. Ryman	Decatur	A.	Debt	Blackford	McKinney v. Harter.
C. Battell	C. Baker	Vanderburg	R.	Debt	Sullivan	Olmsted v. McNail.
A. Kinney, S. Gookins	Bryant, Wright, Maxwell	Parke	A.	Debt	Sullivan	Farlow v. Kemp.
J. Watts	J. Thompson	Clark	A.	Execution	Sullivan	Dixon v. Boyer.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
J. S. Watts	C. C. Nave	Morgan	R.	Fornication	Sullivan	State v. Gooch.
A. Lane	D. Macy	Dearborn	A.	Debt	Blackford	Sparks v. State Bank.
O. H. Smith	R. Chandler	Warren	R.	Equity	Dewey	Shipley v. Mitchell.
W. Herod	W. Quarles, J. Bradley	Shelby	A.	Debt	Dewey	Andrews v. Russell.
C. Hester	J. Watts	Monroe	R.	Debt	Blackford	Smith v. Buskirk.
G. H. Dunn	J. Dumont	Decatur	R.	Debt	Blackford	Link v. Clemmens.
R. Thompson, C. Barbour	W. Griswold, J. Usher	Vigo	A.	Debt	Blackford	Conrad v. Dowling.
S. C. Stevens	C. Cushing	Jefferson	R.	Ejectment	Blackford	Paine v. Doe.
J. Pettit, S. Huff	G. Orth	Tippecanoe	A.	Ejectment	Blackford	Doe v. Harter.
J. Newman	R. Cooper	Henry	R.	Debt	Dewey	Miller v. White.
A. Brown, H. Brown	Quarles, Bradley, Wick	Marion	R.	Debt	Blackford	State v. Williams.
A. Hammond, J. Lockhart		Vanderburg	R.	Tax	Blackford	State v. Hopkins.
J. Pitcher	E. Terry	Dubois	R.	Bail	Dewey	Thompson v. Harbison.
J. S. Lane, S. C. Willson	R. C. Gregory	Montgomery	R.	Debt	Dewey	Power v. Davenport.
C. H. Test	M. S. Ward, S. W. Parker	Henry	A.	Debt	Blackford	Waltz v. Robertson.
J. Reid, S. Perkins	J. Perry, J. Yaryan	Union		Trespass	Blackford	Pate v. Swann.
G. H. Dunn	C. Test	Decatur	R.	Title	Dewey	Johnson v. McLane.
C. Test	S. Parker	Fayette	A.	Slander	Dewey	Henry v. Hamilton.
J. Liston	J. Jernegan	St. Joseph	A.	Ejectment	Blackford	Doe v. Hurd.
G. G. Dunn	A. Hammond, S. Major	Lawrence	R.	Obstruction	Dewey	Phipps v. State.
J. B. Sleeth, J. Ryman	A. Hammond, S. Major	Union	A.	Weapons	Dewey	Walls v. State.
I. Kiersted		Decatur	R.	Attachment	Blackford	Abbott v. Warriner.
W. W. Wick, L. Barbour		Hamilton	R.	Debt	Dewey	Shill v. Ferriter.
H. Biddle	D. Mace, W. Wright	Clinton	R.	Trover	Dewey	Dumont v. Lockwood.
D. D. Pratt	A. Robinson, H. P. Biddle	Jasper	A.	Debt	Blackford	Givens v. Burget.
J. Reid, S. W. Parker, C. H. Test	Yaryan, Newman, Rariden	Union	A.	Damage	Sullivan	VanVacter v. McKillip.
W. W. Wick	A. Kinney, S. Gookins	Boone	A.	Debt	Dewey	Utter v. Vance.
W. W. Wick, L. Barbour	W. Quarles, J. H. Bradley	Marion	R.	Debt	Blackford	Stonsei v. Abrams.
T. Johnson, J. B. Howe	W. H. Coombs	Lagrange	R.	Lease	Blackford	Wood v. Powell.
D. H. Colerick, J. Walpole	Bigger, Brackenridge, W. H. Coombs, I. Kiersted	Allen	A.	Damages	Dewey	Honestine v. Vaughan.
R. C. Gregory, D. Brier	S. S. Brier	Fountain	R.	Trespass	Dewey	Fletcher v. Platt.
C. Hester	J. Watts	Monroe	A.	Debt	Blackford	McDonald v. Higgins.
A. Ingram, R. Jones	R. C. Gregory	Tippecanoe	A.	Debt	Blackford	Jackson v. Yandes.
D. S. Major, I. Kiersted	J. Ryman	Dearborn	R.	Debt	Dewey	State v. Johnson.
C. Test	J. Newman	Wayne	R.	Debt	Blackford	Black v. Wilson.
A. Hammond	S. Major	Tippecanoe	R.	Nuisance	Sullivan	Ellis v. State.
C. C. Nave		Hendricks	R.	Debt	Sullivan	Parks v. Hazelrigg.
E. Dumont	O. H. Smith	Ripley	A.	Debt	Sullivan	Conwell v. Buchanan.
J. Ryman	E. Dumont	Dearborn	R.	Debt	Sullivan	Hays v. Walker.
D. D. Pratt	Chapman, Osborne, Niles	Kosciusko	A.	Injunction	Dewey	Vanman v. Fairbrother.
H. Thornton		Clark	R.	Trespass	Blackford	Sutton v. Hays.
S. C. Stevens	M. Bright	Jefferson	A.	Title	Blackford	Stevens v. Lodge.
J. Smith, S. Yeoder	W. Quarles, J. Bradley	Madison	R.	Debt	Sullivan	Jackson v. Adamson.
J. Chapman, J. Newman	J. Bradley, J. H. Bradley	Lapotte	R.	Patent	Dewey	Lomax v. Bailey.
J. Watts	C. Hester	Lawrence	A.	Replevin	Blackford	Barnes v. Tannehill.

Plaintiff's Attorneys.	*Defendant's Attorneys.*	*County.*	*Dec'n.*	*Cause.*	*Judge.*	*Parties.*
Smith, Quarles, Bradley	A. Hammond	Marion	R.	Voting	Sullivan	Morris v. State.
Z. Baird	G. Orth	Tippecanoe	R.	Debt	Sullivan	Thompson v. Fry.
Colerick, Walpole, Cooper	W. H. Coombs, I. Kiersted	Noble	A.	Debt	Blackford	Fisher v. State Bank.
J. Ryman	M. Bright	Jefferson	R.	Counterfeit	Dewey	State v. Best.
M. Bright	W. Lyle	Jefferson	A.	Foreclosure	Blackford	Sheets v. Peabody.
H. Cooper	D. Colerick	Huntington	R.	Debt	Sullivan	Murray v. Buchanan.
J. Hanna	W. Bryant	Parke	R.	Debt	Sullivan	Thompson v. Weaver.
S. Judah	A. Ellis	Knox	A.	Title	Sullivan	Graeter v. Fowler.
H. Cooper	W. H. Coombs, I. Kiersted	Allen	A.	Attachment	Sullivan	Laverty v. Chamberlain.
J. Bradley		Kosciusko	A.	Debt	Dewey	Stanfield v. Fetters.
A. Robinson	H. Biddle	Carroll	A.	Child	Blackford	Hovey v. Morris.
D. Colerick, J. Walpole	Coombs, Brackenridge	Allen	R.	Debt	Sullivan	Greggs v. Voorhees.
Fletcher, Butler, Yandes, Wright	J. B. Niles, H. Cooper	Cass	A.	Injunction	Sullivan	Fitch v. Polke.
J. B. Niles, A. Osborne		Porter	R.	Replevin	Dewey	Brewer v. Murray.
S. W. Parker	R. Cooper	Henry	R.	Debt	Blackford	Hart v. Woods.
C. C. Nave	Fletcher, Butler, Yandes	Hendricks	A.	Debt	Sullivan	Clark v. State Bank.
W. W. Wick, L. Barbour		Hancock	R.	Debt	Blackford	Woodruff v. Dobbins.
D. Wallace	R. Brackenridge	Allen	R.	Contract	Blackford	Newhouse v. Hill.
A. Brown, H. Brown, W. W. Wick	O'Neal, Quarles, Bradley	Madison	A.	Debt	Sullivan	Kindle v. State.
J Ryman	A. A. Hammond	Union	R.	License	Blackford	Colson v. State.
A. Hammond, S. Major, F. Finch	W. Quarles, J. Bradley	Johnson	R.	Mal. Prac.	Blackford	State v. Vawter.
Peaslee, Morrison, Major		Hancock	R.	Debt	Blackford	Morrison v. Cones.

CONGRESSIONAL DISTRICTS OF INDIANA IN 1852.

By Ernest V. Shockley.

CHAPTER X.

The New Supreme Court—1852-1916.

The Supreme court, as mentioned in Chapter VIII, escaped the period of local legislation more fortunately than any other department of the state government. The only reason for this, no doubt, was the fact that it could not be reached by any method except that of constitutional amendment. Its day of sorrow, however, was not on that account avoided, but only postponed.

It has been stated that the old Supreme court was the pride of the state. Few political events so much aroused the anger of the people as the two attempts to drag the court into party politics. It was generally felt that Governor Ray refused to reappoint Scott and Holman in 1831 for purely personal, selfish reasons. The same was generally felt to be true in the refusal of Governor Whitcomb to reappoint Dewey and Sullivan in 1846 and 1847. The better class of citizens were so completely disgusted at this action by the governor that when the Constitutional convention of 1850 met, there was no one bold enough to defend the old system. It was, moreover, an era when the people were demanding that all officers be elected by popular vote for short periods.

Daniel Kelso went so far in his speech to the convention as to say that under the system of popular election "those who are to decide upon questions of life and liberty, reputation and property, will be composed of better politicians than lawyers; your judicial benches will be filled with a set of babbling politicians who are not fit for judges and never will be, yet I believe a majority of the people are in favor of the election of judges by the people." Yet, with that foreboding, he went on to say, "We are for striking down the existing judiciary and forming a judiciary upon a different plan."

The two questions concerning the court that interested the members of the Convention of 1850 were whether there

should be three or five judges and whether these judges should be elected upon a general or upon a district ticket. Great fear was expressed that if the judges were to be elected on a district ticket it would lead to political gerrymandering.

The essential features of the new Supreme court as finally decided upon were that it should consist of not less than three nor more than five judges; a majority were to constitute a quorum; judges were to be elected from districts on a general ticket; opinions were to be written; state-wide appellate jurisdiction and such original jurisdiction as the General Assembly might confer; a clerk to be elected by the voters of the state; decisions to be published as the General Assembly might direct, but not by any member of the court. This latter clause was aimed at Judge Isaac Blackford, who, it was popularly believed, neglected his judicial work to publish the decisions, thereby making large sums of money from the publication of the reports. There was some truth in the charge. There was a determined effort made to reserve to the court the right to appoint its own clerks, but the demand for popular election was too strong.

By the act of February 19, 1852, the state was divided into four districts, from each of which one judge was to be elected. On the following 13th of May the organizing act of the General Assembly directed the election of four judges. These judges were ordered to open court on the first Monday of January, 1853, in the old house in the Circle, and draw up such rules as were necessary to govern the court's procedure. The judges were authorized to elect one of their own number to preside, each serving only one term and no more, until all members had presided. There were to be two terms of the court each year, one beginning on the fourth Monday of May, the other on the fourth Monday of November.

At the elections, held in October, 1852, in pursuance of the above act, Samuel E. Perkins, Andrew Davidson, William Z. Stuart and Addison L. Roache were elected members of the first Supreme court under the Constitution. Judge Perkins was the only member of the old court elected. He defeated Judge Isaac Blackford in the convention.

William Z. Stuart, who was elected from the First district, was born at Dedham, Massachusetts, December 25,

1811, being the son of Dr. James and Nancy (Allison) Stuart, of Aberdeen, Scotland. Up to the age of fourteen years, he received all his instructions from his mother, a refined and cultivated woman, and at that age went to New Bedford, Massachusetts, to become a drug clerk. Later he went to Boston, again found employment in a drug store, but spent all his spare time in reading medical works with a view of entering that profession. Through the influence of Dr. Kirk, he entered Amherst Academy at Amherst, Massachusetts, and graduated from Amherst College in 1833. After graduating he became principal of Mayville Academy at Westfield, New York. During the two years he was there he studied law with Judge Osborn. In 1836 he moved to Logansport, Indiana, was admitted to the bar (February 20, 1837) and at once began the practice of this profession. He was elected prosecuting attorney of the Eighth judicial circuit in 1841 and served one term. In 1852 he was elected to the Supreme bench of the state for a term of six years over John B. Howe, but resigned, August 15, 1857, to take effect January 12, 1858, to become attorney for the Toledo & Wabash Railroad Company. In 1870 he declined a nomination to the Supreme bench. He was a believer in Presbyterian doctrines, but was not a professor of religion; a Democrat in politics, though moderate in partisanship. He married Minerva Potteo at Westfield, New York, in 1838. They had three children, Venetia, Selden P. and Frances H. Mrs. Stuart died in 1846 and Judge Stuart was married in 1849 to Sarah Scribner Benedict, of Vernon, New York. They had four sons, Charles B., Thomas A., Will V. and W. Z. His health became impaired in the spring of 1876 and, with the vain hope of recovering his health, he went to Clifton Springs, New York, where he died, May 6, 1876.

Andrew Davison, who was elected from the Second district in 1852, was born September 15, 1800, in Franklin county, Pennsylvania, and educated at Jefferson College, Canonsburg, Pennsylvania. He studied law with Thomas H. Crawford and in 1825 came to Indiana, seeking a place to recruit his health, and with the hope of finding a favorable location to follow his profession. He was admitted to the bar at Greensburg, Indiana, September 26, 1825, and began prac-

tice at that place, in a short time becoming a leader in his profession. On January 3, 1853, he took his seat on the Supreme bench of Indiana, having been elected over Charles Dewey. He continued in office until January 2, 1865, a term of twelve years, having been re-elected in the fall of 1858. On April 15, 1839, he married Mrs. Elgin Test. They had one child, Joseph R. Davison. Judge Davison died six years after retiring from the Supreme bench.

Samuel Elliott Perkins, who was elected from the Third district in 1852, was born in Brattleboro, Vermont, December 6, 1811, being the second son of John Trumbill and Catherine (Willard) Perkins. He became an orphan at an early age and was adopted by William Baker, a farmer of Camway, Massachusetts, with whom he lived until twenty-one years of age. His early education consisted of three months' annual schooling provided by the state and his own self-instruction. After his majority he pursued his studies alone, and taught school in the summer. His last year as a student was spent at Yates County Academy, New York, where he finished a fair classical education. His legal education was obtained in the office of Thomas J. Navin, and later in that of Henry Welles in Penn Yan, the county seat of Yates county, New York. In 1836 he came alone and on foot from Buffalo, New York, to Richmond, Indiana. He worked for his board in Judge J. W. Borden's office during the first winter. The spring of 1837 saw his admission to the bar at Centerville, Wayne county, Indiana. He then opened up an office at Richmond, Indiana. During the same year he became editor of the *Richmond Jeffersonian* and assumed control again during 1839-1840. In 1843 he was appointed prosecuting attorney for the Sixth judicial circuit by Governor Whitcomb. Governor Whitcomb appointed him in 1845 for one year to the Supreme bench, he being but thirty-four years old and nine years a resident of the state. In 1846 he was nominated for a seat in the Supreme court and confirmed by the Senate. Upon his election to the Supreme court he became a resident of Indianapolis. In 1852 and 1858 he was elected under the new Constitution by the people, thus serving as a judge on the Supreme bench for nineteen consecutive years. He became professor of law at Northwestern Christian University at

Indianapolis in 1857 and later (1870-72) at Indiana University. After much work upon his part he produced the "Indiana Digest" (1858) and the "Indiana Practice" (1859), both books being of valuable aid to the profession. In 1868 he became editor of the *Indianapolis Herald*, the Democratic organ of the state. In 1872 he was appointed by Governor Baker to fill a vacancy on the Superior bench of Marion county, being subsequently (in 1874) elected to the same position without opposition. The year 1876 again changed the political complexion of the state and he was elected to the Supreme bench of Indiana, and served from January, 1877, until his death at Indianapolis, December 17, 1879. He was a supporter of the principles of Jackson and Jefferson throughout his life. In 1838 he married Amanda J. Pyle, daughter of Joseph Pyle, of Richmond, Indiana. Ten children were born, only one of whom survives, Samuel E. Perkins, now a practicing attorney of Indianapolis.

Addison L. Roache, who was elected from the Fourth district in 1852 over Samuel B. Gookins, was born in Rutherford county, Tennessee, November 3, 1817, and moved to Bloomington, Indiana, in 1828. He received his education at the State University, graduating in 1836. After graduation he began the study of law in the office of Gen. Tilghman A. Howard, at Rockville, Parke county. He was admitted to the bar in 1839, starting to practice at Frankfort, going back later to Rockville, Parke county, where he lived until 1859. In 1847 he was a member of the Legislature from Parke county. Elected to the Supreme bench in 1852, he took office January 3, 1853, but resigned May 2, 1854, to become president of the Indiana & Illinois Central Railroad. In 1859 he formed a law partnership with Joseph E. McDonald and moved to Indianapolis. The partnership was maintained until the ill health of Roach, eleven years later, compelled him to retire from practice. He served as a trustee of Indiana University from 1857 to 1859, but resigned on going to Indianapolis. He was reappointed in 1878, and at all times took a great interest in promoting the interests of education. Judge Roache was a member of the Masonic fraternity and of the Presbyterian church. He married Emily A. Wedding in June, 1842, and to them were born seven children, one son, A. L.

Roache, Jr., and six daughters. In 1876 he began practicing with his son-in-law, at Indianapolis, the partnership continuing until 1887, when he retired. On March 5, 1854, it was announced in the *Indianapolis Journal* that Judge A. L. Roache had been elected president of the Indiana & Illinois Central Railroad. On the 8th of the month he placed his resignation as Supreme judge in the hands of the Governor. The *Indianapolis Journal* does not mention the resignation, but on May 10th remarks that Governor Wright had appointed Alvin P. Hovey to the vacant seat. The editor adds facetiously, "The Great Agriculturalist might have distinguished better between the vegetables submitted for his inspection." The pay of the judges under the new law was twelve hundred dollars per year, a reduction of three hundred dollars from the former salary.

Alvin P. Hovey was born September 6, 1821, in Posey county, Indiana. His education was confined to the common schools of his county, supplemented by hard study after the active work of his life had begun as a lawyer. He studied law and was admitted to the bar in 1843. He began to practice at Mount Vernon, Indiana, where for several years he devoted himself to his profession. In 1850 he was elected a member of the Constitutional Convention and distinguished himself to such an extent that he was chosen Circuit Judge of the Third judicial circuit of the state. After three years' service he was appointed (May 8, 1854) judge of the Supreme court to fill the vacancy caused by the resignation of Judge Roache, but held that position only a few months. At the October, 1855, election Judge Hovey and Samuel B. Gookins were opposing candidates for the vacant judgeship. Gookins was elected on the fusion ticket by a large majority over Hovey, who was then a Democrat. He was appointed by President Pierce in 1855 as United States district attorney for Indiana, but was later removed by President Buchanan.

When the Civil War opened he became colonel by the appointment of Governor Morton and served throughout the war. When he was mustered out, October, 1865, he held the rank of major-general. In 1865 he was appointed United States minister to Peru and after holding the position for five years, he resigned in 1870 and returned to Indiana to re-

sume the practice of law. He was elected to Congress in 1886. In 1888 he was the successful candidate for governor on the Republican ticket, but died in office, November 23, 1891, in the midst of his term. Hovey was married twice; two children survive him, a son and a daughter. His son, Charles James Hovey, resides in Mount Vernon, Indiana, as does his daughter, Mrs. G. V. Menzies.

Samuel Barnes Gookins was born at Rupert, Bennington county, Vermont, May 30, 1809, being the youngest son of William and Rhoda Gookins. In 1812 the family moved to New York and in 1823 Samuel B., his mother and elder brother came to Indiana and settled near Terre Haute. His education was restricted to the county schools. In 1825 his mother died and he lived with the family of Daniel Stringham. In 1830, after a four-year apprenticeship under John W. Osborn, a newspaper editor at Terre Haute, he established the *Vincennes Gazette*, but a year later returned to work at Terre Haute. In 1832 he entered the law office of Amory Kinney and was admitted to the bar in Terre Haute in 1834. He practiced his profession until 1850, becoming widely known in his part of the state. On July 27, 1850, Governor Wright appointed him to fill a vacancy in Circuit court occasioned by the resignation of John Law. In 1851 he represented Vigo county in the Legislature. In 1852 he was a candidate for Judge of the Supreme court on the Democratic ticket, but was defeated. A political revolution having taken place and A. L. Roache resigning from the Supreme bench, Gookins became a candidate against Hovey for the vacant seat, of Roache, and was elected October 10, 1855. On December 10, 1857, he resigned because of ill health and the meager salary and went to Chicago, where he practiced until 1875. He was a frequent contributor to the press, his writings dealing mainly with the slavery problem. Judge Gookins died at his home in Terre Haute, June 14, 1880, having just completed a history of Vigo county.

Two more resignations from the Supreme court occurred before the close of the first six years under the new Constitution. Judge Gookins, who in reality resigned on account of the salary, was succeeded by James M. Hanna on December 10, 1857. William Z. Stuart, who resigned January 3,

1858, to become the attorney for the Toledo & Wabash railroad, was succeeded by James L. Worden. Both these men were candidates in 1858 and will be noticed later.

The work of the new court was particularly onerous and in at least two cases momentous. The Constitution directed the General Assembly to appoint three commissioners to simplify the court procedure, do away with all distinctions between law and equity and also to reduce the statutes to systematic code. The law further required the court to write out and publish its opinions on every case brought before it.

The court had scarcely been organized when the local option law of 1853 came before it and was in large part declared unconstitutional. The fusion Legislature of 1854 passed a prohibitory law, which was declared unconstitutional in December, 1855. The court was charged with partisanship in these decisions. It was this same court that overthrew the first public school law. As a result of these decisions the court lost considerable prestige.

Still another event tended to lower the reputation of the court. Judge Stuart filed his resignation August 4, 1857, the same to take effect January 3, 1858. At the fall election, 1857, Horace P. Biddle, an independent Republican, was elected as his successor by a majority of twenty thousand. The Democratic Governor, A. P. Willard, refused him his commission on the ground that there was no vacancy at the time of the election. The Supreme court, all of whom were Democrats, upheld him in this and the next day after the decision, January 15, 1858, James L. Worden was appointed to the place.

The first six-year term of the court expired by law in January, 1859, so that it was necessary to elect a new court at the state election of 1858. The Democrats nominated James L. Worden, of Whitley county, for the First district; Andrew Davison, of Decatur county, for the second; Samuel E. Perkins, of Marion county, for the Third; and James M. Hanna, of Vigo county, for the Fourth. The Republicans nominated Horace P. Biddle, of Cass county, for the First district; Abram W. Hendricks, of Jefferson county, for the Second; Simon Yandes, of Marion county, for the Third; and William D. Griswold, of Vigo county, for the Fourth. The

principal fight was made on Judge Perkins. The Democrats were elected by a majority of over three thousand, Perkins running slightly ahead of the others.

James M. Hanna was born in Franklin county, Indiana, in 1816, and died in Sullivan county, Indiana, January 15, 1872. He was appointed to the Supreme court December 10, 1857, to fill the vacancy created by the resignation of Judge Gookins, and was elected over William D. Griswold, in 1858, serving until January 3, 1865. He did not practice law after he left the Supreme bench. He was a member of the Indiana Senate while a resident of Sullivan county (1833-35). He was a Democrat in politics and during the Civil War sympathized with the South. He had no church affiliations. His family consisted of a wife and three children: a son, Burton G. Hanna, who became a lawyer, and two daughters, one of whom married James Gray, the other becoming the wife of Henry Overholser. Judge Hanna owned a large farm on the Chicago & Eastern Illinois railroad, in Curry township, Sullivan county, from which coal was extensively mined by means of a shaft, the first underground coal mine in the county. He had a residence in Sullivan, on West Washington street.

James L. Worden, who was on the Supreme bench from 1858 to 1865, was born, May 10, 1819, in Sandisfield, Berkshire county, Massachusetts, being the son of John and Jane Worden. About 1829 he came to Ohio with his mother and spent his youth upon a farm, receiving only a common school education. In 1839 he entered the law office of Thomas J. Straight, of Cincinnati, and was admitted to the bar in 1841. He began practicing in Tiffin, Ohio, but moved to Whitley county, Indiana, in 1844, and in 1845 to Noble county. Shortly after going to Noble county he was elected prosecuting attorney for the Tenth judicial circuit and held that office by re-election until he was appointed Judge of the same circuit in 1855. Meanwhile, in 1849, he had moved to Fort Wayne. In 1855 he was elected Judge and on January 15, 1858, he was appointed to the Supreme bench of the state. In the fall of the same year he received the office by election. He was elected mayor of Fort Wayne in 1865 after his failure to be re-elected to the Supreme court in 1864. He resigned as mayor after a year's service because of his increasing law practice. From

1865 to 1871 he was associated with John Morris in the law practice. He was re-elected to the Supreme bench in 1870, taking his seat January 3, 1871. To this position he was re-elected in 1876, resigning December 1, 1881. He then engaged in active practice until his death, June 10, 1884. In 1845 Judge Worden married Annie Grable, a daughter of Benjamin Grable.

The second Supreme court, composed of Judges Worden, Davidson, Perkins and Hanna—all Democrats—sat through the stormy period of the Civil War. The conduct of the court did not add to its prestige in the minds of the people. It allowed itself to be drawn into the quarrel between the Governor and the other state officers and became a partisan instrument in the hands of the latter.

The election of 1864 was in a presidential year; Lincoln and the conduct of the War were at stake. Morton threw his powerful personality into the struggle. The Democrats renominated the members of the Supreme court. The Republicans nominated James S. Frazer, of Kosciusko county, for the First district; Jehu T. Elliott, of Wayne county, for the Second; Charles A. Ray, of Shelby county, for the Third; and Robert S. Gregory, of Tippecanoe county, for the Fourth. The Republican ticket was successful and an entirely new court took office on the first Monday of January, 1865.

James S. Frazer was born in Hollidaysburg, Pennsylvania, July 17, 1824, the son of Scotch parents, James and Martha Frazer. They gave him a good education. In 1837 he came to Wayne county, Indiana, and three years later he entered the office of Moorman Way, of Winchester, to study law. He taught school during the winter and in March, 1845, was admitted to the bar. He opened up an office in Warsaw, Kosciusko county. In 1847, 1848 and 1854 he was a member of the Lower House of the State Legislature. From 1865 to 1871 he was one of the Judges of the Supreme court. On May 8, 1871, he was appointed by President Grant as one of three commissioners to adjust the claims between Great Britain and the United States arising out of the Civil War. He was in Washington from 1873 to 1875 adjusting the losses sustained by the United States during the War. In 1879 he was appointed one of a board of commissioners to revise and codify

the laws of the state. In 1889 he was appointed by Governor Hovey Judge of the Kosciusko Circuit court and served one year in this position. He was a member of the Odd Fellows and of the Presbyterian church. On October 28, 1848, he married Caroline Defrees. They had seven children: William Defrees, Harriet D., Martha S., May C., Nellie R., Fannie and Jennie. He died at Warsaw, February 20, 1893.

Jehu T. Elliott was born, February 7, 1813, near Richmond, Wayne county, Indiana, a son of Abraham Elliott. His education was limited to country schooling, but he received sufficient education to begin teaching at the age of eighteen. About 1833 he started to study law in the office of Martin M. Ray, at Centerville. A year later he was admitted to the bar and opened an office at New Castle. In 1835 and 1837 he was secretary of the House of Representatives. In 1839 he became prosecuting attorney of the Sixth circuit, which position he held until 1844. From 1844 to 1852 he was a Circuit Judge, resigning to become president of the railroad being built from Richmond to Chicago. This position he resigned in 1854 and was later again elected Circuit Judge, serving until elected in 1864 as one of the Judges of the Supreme court. After retiring from the bench in 1871, he resumed the practice of his profession and was thus engaged until his death, February 12, 1876, at New Castle, Indiana. On October 24, 1833, he married Hannah Scott Branson, a daughter of Owen and Hannah Branson. Nine children were born, four of whom died in infancy, the others being Eliza Josephine, Helen Mary, William Henry, Jane and Carrie May.

Robert S. Gregory was born in Kentucky, February 15, 1811, and two years later his parents moved to Indiana. During the twenties he clerked in the store of Samuel Hanna & Company at Ft. Wayne. In 1829 he went to Fountain county, Indiana, where he was engaged in merchandising for several years. From 1832 to 1843 he lived at Crawfordsville and read law with Professor Humphreys, being admitted to the bar at Crawfordsville May 12, 1838. He began practice with Alexander Thompson. He served in the State Senate from 1841 to 1843. In 1843 he located at Lafayette, where he continued to practice the remainder of his life. He served on the Supreme bench from 1865 to 1871, and after retiring prac-

ticed with his son, William, until his death in 1883. He was married in 1830 and had four children, James, William, Mollie and Julia.

Charles A. Ray, a member of the Supreme court of Indiana from 1865 to 1871, seems to have disappeared from Indiana history with his retirement from the bench in 1871. It is not certain where he lived before becoming a Supreme Judge and there is no less certainty as to his residence after leaving the bench. According to the records in the secretary of state's office, he was appointed Judge of the Twelfth Common Pleas district on September 30, 1861. This district was then composed of Marion, Hendricks and Boone counties. Ray was elected Judge of the same district in October, 1862, and served on the bench until he resigned, December 7, 1864. In the fall of that year he had been elected to the Supreme bench. It appears that Judge Ray removed to California some time in the seventies and became a Judge in that state. In the catalogue of the Indiana state law library (1898) the name of Charles A. Ray appears as the author of four legal volumes, but whether this is the Judge Ray of the Indiana Supreme court is not known.

Before the court elected in 1864 came the difficult questions of reconstruction, the legal tender act, the temperance law of 1859, and the provision in the Constitution prohibiting negroes from coming into the state. These are only a few of the large questions that came before the court for adjudication.

At the election of 1870 a new court was elected. The Republicans nominated Andrew L. Osborne, of Laporte county, for the First district. Judge Frazer was not a candidate for renomination. Horace P. Biddle, of Logansport, would doubtless have been nominated but for the fact that one of the United States senators and the secretary of state were at the time residents of that city. The other three Republican members of the Supreme court were renominated.

The Democrats were hopeful and went into the state convention with a vim born of anticipated success. The convention reversed its usual procedure and nominated judges first. James L. Worden, of Fort Wayne, was nominated by acclamation for the First district. A. C. Downey, of Ohio county,

Henry W. Harrington, of Jefferson county, and Barton W. Wilson, of Decatur county, were the candidates from the Second district, Downey winning on the first ballot by eight hundred and three votes out of one thousand one hundred and twenty-one. From the Third district, Samuel H. Buskirk, of Monroe county; Simeon W. Wolfe, of Harrison county; Ambrose B. Carlton, of Lawrence county, and Napoleon B. Taylor, of Marion county, were candidates. Buskirk lacked only one of having the necessary five hundred and sixty-two votes on the first ballot and was nominated on the second. From the Fourth district, James M. Hanna, of Sullivan county, John Pettit, of Tippecanoe county, and Newton F. Malott, of Knox county, were candidates. Pettit was nominated on the first ballot. At the October election, 1870, Worden was elected by three thousand seven hundred and thirty-four majority, Downey by three thousand seven hundred and ninety-eight, Buskirk by three thousand one hundred and eighteen and Pettit by three thousand and seventy-seven. Thus for the second time the entire court was turned out together. However, Judge Worden had previously (1858-65) sat on the bench.

John Pettit was born on a farm near Sacketts Harbor, New York, June 24, 1807. His parents intended him for the ministry, but he developed no inclination for the profession. When his tutor pressed him to study theology, he quit school, and studied law with Judge Potter at Waterloo, New York. In 1830 he started west, but stopped at Troy, New York, and taught school one term. He reached Lafayette, Indiana, May 12, 1831. In 1833 he was admitted to the bar and the same year was elected to the General Assembly. After serving one term in the House, he was appointed United States district attorney by President Van Buren in 1839, serving until 1843. From March 4, 1843, to March 3, 1849, he sat in Congress. In 1850 he was a member of the Constitutional Convention. In January, 1853, he was elected to serve the unexpired term of James Whitcomb in the United States senate. In 1855 he was elected Circuit Judge. In 1859 Buchanan appointed him Chief Justice of Kansas, where he served until Kansas became a state. In 1861 he returned to Lafayette, and resumed his legal practice, serving as city attorney four

years and as mayor from 1867 until he was elected to the Supreme bench in 1870. On June 17, 1877, six months after he finished his term, he died at his home in Lafayette.

Alexander C. Downey was born in Hamilton county, Ohio, September 10, 1817, the son of John and Susannah (Selwood) Downey. In 1818 they removed to Dearborn county, Indiana, where he received a common school education, and finished his schooling at the county seminary at Wilmington in the same county. He studied law with James T. Brown and was admitted to the bar in 1841. In 1844 he moved to Rising Sun, Ohio county, and in 1850 was appointed Circuit Judge by Governor Wright. He was elected to the office in 1851, under the old Constitution and again in 1852 under the new Constitution, serving until August, 1858. He then resigned to engage in practice. From 1854 to 1858 he conducted the law department of Asbury University. He was a member of the State Senate from 1863 to 1865. In 1870 he was elected Judge of the Supreme court of Indiana, but declined a renomination in 1877 and went into active practice. He had the degree of Doctor of Laws conferred on him in 1858 by Asbury University, and the same in 1871 by Indiana University. He was a Mason and a Methodist. On April 19, 1846 he married Sophia J. Tapley. They had eight children, Samuel Reed, Daniel Tapley, Harry Selwood, Alexander Coffin, George Eddy, John Chandler, Anna Winona and Frank Merritt.

Samuel H. Buskirk was born in New Albany, Indiana, January 19, 1820. His parents moved to Bloomington, where he received a common school and college education, graduating from Indiana University in 1841. In 1848 he began the practice of law. He was a member of the Lower House of the General Assembly in 1848, 1851, 1855, 1863 and 1865, serving as speaker in 1862. In 1870 he was elected to the Supreme bench and served six years. After his term expired he located at Indianapolis where he died, April 3, 1879. He married Sarah Walters in 1845.

One of the chief objections to the old Supreme court was that it was two or three years behind with its work. The state added a clerk and a reporter, but by 1870 the docket was crowded and there was a murmur at the delay. Instead

of trying to expedite matters, the court indulged in longer opinions and more technicalities.

At the special session of the General Assembly of 1872, under date of December 16, the state was divided into five districts and a new judge provided for, making the maximum number permitted by the new Constitution. The districts were reversed so that the First was now the southwest, the Third in the central portion, the Fourth in the northeast, and the Fifth in the northwest. These districts were as follow:

First District: Monroe, Owen, Clay, Parke, Morgan, Sullivan, Green, Knox, Daviess, Martin, Dubois, Pike, Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry and Orange.

Second District: Ohio, Rush, Switzerland, Dearborn, Shelby, Brown, Lawrence, Crawford, Harrison, Floyd, Clark, Scott, Jefferson, Ripley, Decatur, Bartholomew, Jackson, Washington and Jennings.

Third District: Tippecanoe, Johnson, White, Warren, Fountain, Montgomery, Clinton, Boone, Tipton, Hamilton, Vermillion, Marion, Putnam, Hendricks and Vigo.

Fourth District: Allen, Whitley, Huntington, Wells, Adams, Grant, Blackford, Jay, Delaware, Randolph, Howard, Madison, Hancock, Henry, Wayne, Fayette, Union and Franklin.

Fifth District: Lake, Benton, Porter, Laporte, St. Joseph, Elkhart, Kosciusko, Marshall, Starke, Jasper, Newton, Pulaski, Fulton, Wabash, Miami, Cass, Carroll, Lagrange, Steuben, DeKalb and Noble.

A separate act passed the same day (December 16, 1872) amended the act of May 13, 1852, in relation to the organization of the Supreme court. Originally, the court consisted of four judges, but the act of 1872 added an additional judge and provided that three judges should form a quorum. Pursuant to this act, the Legislature, in the act which divided the state into five districts, authorized the governor to appoint a Supreme Judge for the newly organized Fifth judicial district to serve until his successor should be elected and qualified.

Pursuant to the act of December 16, 1872, Governor Baker appointed Andrew L. Osborne, who had been defeated at the recent election, to serve until the next regular election.

Andrew L. Osborne was born in New Haven county, Connecticut, May 27, 1815, and there received his early education. He went to Chicago at the age of twenty and worked at the printing trade, at the same time studying law under William Stewart. In 1836 he located in Michigan City, Indiana, where he continued his studies. In 1838 he formed a partnership with Judge Gustavus A. Everts in the practice of law, a partnership which continued until 1843. He then removed to Laporte, where he formed a partnership with John B. Niles. In August, 1844, he was elected a member of the House of Representatives, serving two terms and then serving in the Senate for the three following years. In 1857 he was elected Judge of Circuit court for the Ninth judicial circuit and served thirteen years. When the Legislature in 1872 increased the number of Supreme court judges to five, he was appointed Judge of the new district for a term expiring January 4, 1875. He was defeated for re-election by Horace P. Biddle in 1874. After retiring from the bench he re-entered practice with an office in Chicago.

At the election on October 13, 1874, Horace P. Biddle was elected to the Supreme bench from the Fifth district for a full term over A. L. Osborne by a vote of one hundred and ninety-eight thousand and eighty to one hundred and sixty-five thousand seven hundred and sixteen. Biddle ran about fifteen thousand ahead of his ticket. He was entirely independent politically, though running at this time on the Democratic ticket.

Horace P. Biddle, a member of the Supreme court from January 4, 1875, to January 3, 1881, was born in Hocking county, Ohio, March 24, 1811. His parents were Benjamin and Abigail (Converse) Biddle, the father dying in 1829 and the mother in 1817. He was reared on a farm and received such education as the country schools of his day afforded. At the age of sixteen he went to Muskingum county, Ohio, where he found employment as a clerk in his brother's store, and remained with him for the next ten years. Although he did not begin to study law until he was about twenty-five years of age, he had in the meantime been an omniverous reader of the best books which came within his reach. The studious young man attracted the attention of Thomas Ewing,

then United States senator from Ohio, and, upon his advice, young Biddle entered the law office of Hocking H. Hunter, of Lancaster, Ohio, to study law. He was admitted to the bar at Cincinnati in April, 1839, and in the following October was admitted to the practice of his profession before the federal courts at Columbus. In the summer of 1839, the young lawyer traveled the circuit in Ohio and gained much valuable experience, even though his practice was not very remunerative.

His connection with Indiana began in 1839, when he opened an office in Logansport on October 18, of that year. Within a year he had a lucrative practice and from that time to his death he was regarded as one of the leading lawyers of Indiana. In 1844 he was nominated as a presidential elector on the Whig ticket and made speeches throughout the northern part of the state in behalf of Clay. The following year he made the race for a seat in the state Legislature on the Whig ticket, but was defeated by a majority of thirty-one votes. In December, 1846, the Legislature elected him President Judge of the Eighth circuit, but he resigned in 1852, just before the close of his term, to make an unsuccessful race for Congress against Norman S. Eddy.

The next important event in the career of Biddle was concerned with his effort to be elected to the Supreme court of the state. William Z. Stuart had filed his resignation from the Supreme bench on August 4, 1857, the same to take effect on the first Monday in January, 1858. Acting on the ground that there was a vacancy, the Republicans nominated Biddle for the seat of Stuart, and he was elected by a goodly majority. However, Governor Willard—a Democrat—refused to issue him a commission, saying that there was no vacancy, that Stuart in reality was Judge until the first Monday in January, 1858. The case was carried to the Supreme court—all Democrats—as a result of mandamus proceedings brought by Biddle against the governor, but that body decided (January 15, 1858) that the contention of the governor was correct. Whereupon the governor at once appointed James L. Worden to the bench.

Biddle was elected to the Constitutional Convention in 1850 and became one of the most useful members of the con-

vention. From 1851 to 1860 he devoted most of his time and attention to his legal profesion, while at the same time he was engaged in literary pursuits. It is said that his annual income from his practice reached as high as eight thousand dollars a year, a fact which is conclusive evidence of his ability as a lawyer. In 1860 he was elected Judge of the Eighth circuit and was re-elected unanimously in 1866, declining a third term in 1872. The next two years were devoted exclusively to literary work, but the call of the public proved too insistent to be ignored.

The Democratic state convention nominated him for a place on the Supreme bench in 1872 and he defeated his opponent, Andrew L. Osborne, by a majority of thirty-three thousand. Upon leaving the bench in 1881, he retired to his island home, "The Hermitage," in the Wabash river at Logansport, and lived a solitary life until his death, May 13, 1900.

While Biddle reached a high rank as a lawyer and judge, yet his enduring fame will rest on his literary work. He never went to school after he was sixteen years of age, but by his own efforts became a proficient Latin scholar and had a reading knowledge of French and German. His first literary effort was in the field of poetry and his "A Few Poems," issued in 1849, received favorable comments from such men as Irving and Longfellow. He issued a second edition of the volume in 1858, adding a sufficient number of poems to make a volume of two hundred and forty pages. In 1874 another volume of poems came from his pen, "Glances at the World"; in addition to these separate volumes of poetry he wrote considerable verse which later found its way into his "Miscellany".

But it was in the realm of music that Biddle gained his greatest recognition. As early as 1849 he had written a treatise on music under the title of "The Musical Scale", but it was not published until 1860. The copyright of the volume was bought by Oliver Ditson, one of the leading musical publishers of the United States, and so great was the demand for the work that it ran through three editions. Biddle invented a musical instrument to which he gave the name "tetrachord", and issued a monograph explaining why and how he came to invent it. He also wrote extensively on the theories underlying musical tones, and his review of Tyndal's

theories of sound was accorded a high rank not only in this country, but also in England. In fact, Biddle's theory of the musical scale was accepted in London as against the theories advanced by Tyndal and Helmholtz. Among the other writings of Biddle may be mentioned the following: "Elements of Knowledge," "A Scrap Book of Poems," "The Amatories, by an Amateur," "A Discourse on Art," "The Definition of Poetry," "The Analysis of Rhyme," "Russian Literature" and "America's Boyhood".

The Republican convention which met at Indianapolis, February 22, 1876, nominated four candidates for the Supreme court. For the First district, William E. Edson, of Posey county, was nominated over B. E. Rhoads, of Monroe county. Edson was born at Mount Vernon, Indiana, in May, 1834, and was educated in the Mount Vernon Seminary under the instruction of his father, Eben Edson. In 1855 he was admitted to the bar and the next year elected to the Legislature. He also served one term as Common Pleas Judge.

For the Second district, A. C. Voris, of Lawrence county, was nominated over William K. Marshall, of Jackson county, Charles E. Walker, of Jefferson county, and Ralph Hill, of Bartholomew county. Voris was born in Switzerland county, Indiana, about 1830. He was a graduate of Hanover College, and the law department of Harvard. During the Civil War he served on the staff of General Hancock. After the close of the war he practiced at the Lawrence county bar.

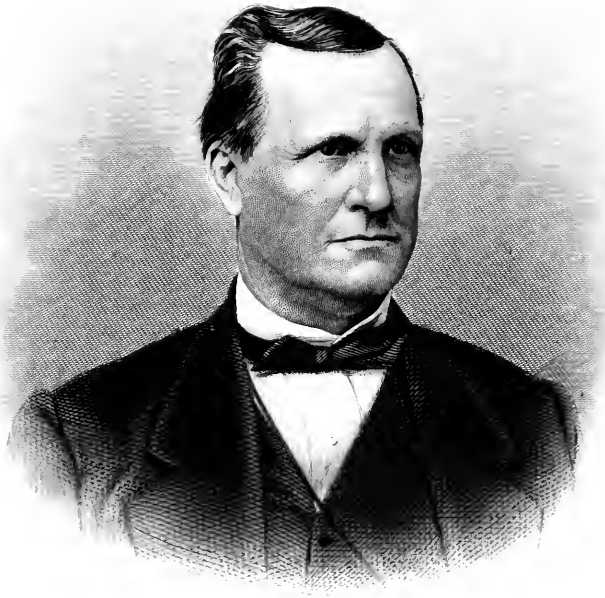
For the Third district, Horatio C. Newcomb, of Indianapolis, was nominated over D. P. Vinton, of Lafayette. Newcomb was born in Tioga county, Pennsylvania, December 22, 1821. He came with his parents to Indiana in June, 1833. His education was limited to the common schools. In 1841 he entered the law office of his uncle, N. A. Bullock, at Vernon, and in 1844 was admitted to the bar. In 1846 he moved to Indianapolis, and formed a partnership with Ovid Butler. He was elected mayor of Indianapolis in 1840 and re-elected in 1851, but soon resigned. In 1865 he was elected a Representative and in 1860 a Senator in the General Assembly. He edited the *Indianapolis Journal* from 1864 to 1868, serving in the House of Representatives, meanwhile. He was appointed one of the Judges of the Marion Superior court in 1871 and

was elected to the same office in 1874. He died in Indianapolis, May 23, 1882.

For the Fourth district, Henry B. Sayler, of Huntington county, Joshua H. Mellett, of Henry county, and John F. Kibbey, of Wayne county, were before the convention. Kibbey, who was nominated on the first ballot, was born at Richmond, Indiana, May 4, 1826. In 1847 he began the study of law in the office of O. P. Morton, with whom he later formed a partnership. In March, 1862, he was appointed attorney-general by Governor Morton. From 1864 to 1876 he was a Common Pleas Judge.

The Judges of the Supreme court had incurred a storm of hostile criticism in furnishing their rooms at the state capitol. It was an era of scandals and when it was proclaimed by the Republicans that the Judges had used public money in buying upholstered chairs everybody seemed eager to believe the charge. It so angered the Democrats that they turned on the Judges and became, if possible, more abusive than the Republicans. As a result of this criticism all the judges but Worden had opposition at the convention which opened at Indianapolis on April 20, 1876. From the first district, W. F. Parrott, of Evansville, Samuel H. Buskirk, of Bloomington, William M. Franklin, of Owen county, and Newton F. Malott, of Vincennes, were aspirants. Buskirk was nominated on the first ballot. From the Second district, George A. Bicknell, of Floyd county, Barton W. Wilson, of Decatur county, and Scott Carter, of Switzerland county, contested the nomination with A. C. Downey, but the latter was nominated on the first ballot. From the Third district the candidates were A. B. Carlton, of Terre Haute, Delana R. Eccles, of Greencastle, John Pettit, of Lafayette, and Napoleon B. Taylor, of Indianapolis. John Pettit was nominated on the first ballot. James L. Worden was re-nominated without opposition.

The criticism of the Judges rose to such a height that Judge Downey voluntarily withdrew from the ticket. The central committee asked for the resignations of the other judges, but they refused to resign. The *Indianapolis Sentinel* roundly condemned Judge Pettit for an attack on a preacher in Lafayette. Oblique references to gold pens, hair pillows, carpets, beds, lounges, hair mattresses, traveling satchels and



W. E. Niblack

velvet rugs purchased with state money, were the burden of the campaign orators. The central committee appointed a subcommittee to investigate the charges and it reported no intentional corruption, but that, following the precedent set by the preceding Republican court, the Judges had spent public money without the sanction of the law. The resignation of Judge Downey was accepted and vacancies on the ticket declared from the Second and Third districts. Such dissatisfaction existed with the nominations in the First and Fourth that conventions were ordered called to fill these vacancies. These were filled, not by the state conventions, but by the members of the recent state convention meetings by districts. This is perhaps a unique proceeding in political practice. In due time these conventions nominated William E. Niblack for the First, George W. Howk for the Second, and Samuel E. Perkins for the Third. James L. Worden remained on the Fourth, having been unanimously endorsed by his district. This probably would have been done in the other districts had the truth been known. The Democratic ticket was elected by about five thousand majority.

William E. Niblack was born May 22, 1822, in Dubois county, Indiana. He attended school in a log school house and when sixteen entered Indiana University, but was unable to graduate because of the death of his father. For three years after leaving college he followed surveying and at the same time studied law, entering the practice in 1854 at Mount Pleasant, then the county seat of Martin county. He entered politics by being elected in 1849 to the House of Representatives and in 1850 to the State Senate, declining a renomination in 1853. In January, 1854, he was appointed Judge of his judicial circuit, and in October, 1854, he was elected for six years. He moved to Vincennes in 1855, and two years later was elected to Congress to fill out the unexpired term of James Lockhart, being re-elected in 1858. In 1863 he was the Representative from Knox county in the Legislature, but returned to Congress in 1865, remaining there until March 4, 1873. From 1864 to 1872 he was a member of the Democratic national committee. In 1876 he was elected Judge of the Supreme court of Indiana, serving from 1877 to 1889. He died in Indianapolis, May 7, 1893.

George Vail Howk was born in Charlestown, Clark county, September 21, 1824, the son of Isaac and Elvira (Vail) Howk. He grew to manhood in Charlestown. After graduating from Indiana Asbury University in 1846, he studied law under Judge Charles Dewey. He was admitted to the bar in 1847 and settled in New Albany to practice. From 1852 to 1853 he was city judge of New Albany. In 1857 he became judge of the Court of Common Pleas. In 1863 he was a member of the lower branch of the Legislature, and from 1866 to 1870 he served as a member of the State Senate. In 1876 he was chosen Supreme court judge, serving from 1877 to 1889. Upon his defeat for re-election in 1888, he returned to New Albany. He was appointed Judge of the Floyd Circuit court April 18, 1896, to fill the unexpired term of George A. Bicknell, who died April 15, 1891. Judge Howk died on January 13, 1892, before the expiration of the term for which he had been appointed. Judge Howk married, December 21, 1848, Eleanor Dewey, the eldest daughter of Charles Dewey. She died April 12, 1853, leaving two children. On September 5, 1854, he married Jane, the daughter of Gen. John Simonson. They had two sons, John S. and George V., Jr.

After the storm of 1876 the work of the Supreme court moved along rather smoothly from January, 1877, when the new judges took office, until December 17, 1879, when Judge Perkins died. On the 29th of December "Blue Jeans" Williams appointed John T. Scott, of Terre Haute, to the vacant seat.

John T. Scott was born at Glasgow, Kentucky, May 6, 1831. He attended the common schools in Glasgow, Kentucky, until he was fourteen years old, when he was apprenticed to a harness maker. He worked at this trade till he was nineteen years of age, when he entered Franklin College, Tennessee, where he remained two years. He came to Indiana in 1853 and became a rod carrier and afterward a surveyor on the railroad from Indianapolis to Decatur, Illinois. He began the practice of law in 1856 at Montezuma, Indiana, and in 1860 was elected district attorney for the Tenth Common Pleas district. He was re-elected in 1862, and in the fall of the same year he moved to Terre Haute, where he filled out

his term of office and continued to practice until 1868, when he was elected judge of the Common Pleas court of Vigo county. He was re-elected to this office in 1872 for another four years and was still on the bench when the Legislature of 1873 abolished the court. In 1875 he was appointed one of the board of trustees of the Indiana State Normal School and served in this capacity until December 29, 1879, when he was appointed Judge of the Supreme court by Governor James Williams. He was a candidate for re-election in 1880, but was defeated with the other Democratic candidates. He then returned to the practice of the law, and so continued until his death, December 29, 1891. In 1855 he married Rebecca Ellen Jones, a school teacher of Scotland, Illinois. They had five children, three of whom are still living: Charles E. Scott, building inspector of Terre Haute; George A. Scott, lawyer of Terre Haute, one daughter, Mrs. Kirby C. Meyers, of Brockville, Indiana.

The court elected in 1876 incurred some hostile criticism by its decision on the constitutional amendment case. In 1879 an amendment had been submitted changing the time of election from October to November. This amendment was submitted at a township election. The amendment failed to receive a majority of all the votes cast for trustees at the same time. From the fact that so many votes had been cast the court decided that it would take judicial knowledge of the fact that not a majority of the voters had supported the amendment. Niblack and Scott dissented. The decision virtually prevents amendment to the present Constitution.

At the election of 1880 it was necessary to fill the judgeship in the Third district left vacant by the death of Perkins in 1879, John T. Scott then holding the position by appointment. Napoleon B. Taylor, of Marion county, and John A. Holman, of Marion county, were before the convention. Scott was nominated. In the Fifth district a member had to be elected to take the place of Horace P. Biddle, whose term expired in January, 1881. J. A. S. Mitchell, of Elkhart county; Elisha U. Long, of Marshall county; Nathan O. Ross, of Miami county, and Thomas J. Merrifield, of Porter county, were before the convention. Mitchell was nominated on the second ballot.

The Republican convention met at Indianapolis, June 17, 1880. For the vacant judgeship in the Third district there were three candidates: Byron K. Elliott and Livingston Howland, of Marion county, and H. D. Thomas, of Montgomery county. Elliott was nominated on the first ballot. From the Fifth district, Daniel P. Baldwin, of Logansport, and William A. Woods, of Elkhart county, were the candidates, the latter being nominated for the judgeship and the former for attorney-general. The election resulted in a victory for the Republican ticket, Elliott and Woods being elected by small majorities.

Byron K. Elliott was born in Butler county, Ohio, near Hamilton, September 4, 1835. He attended the common schools and Hamilton Academy until 1849. He came to Indianapolis in 1850 with his father and entered the Marion County Seminary. After finishing the course he studied law and was admitted to the bar in February, 1858. In May, 1859, he was elected city attorney of Indianapolis. During the Civil War he served first as captain of the One Hundred and Thirty-second Volunteers, and afterward as adjutant-general on the staff of General Milroy. From 1865 to 1869 he served as city attorney of Indianapolis. In October, 1870, he was elected Judge of the Marion County Criminal court. In 1872 he became city solicitor and served again as city attorney from 1873 to 1875. In 1876 he was elected Judge of the Superior court of Marion county and renominated in 1880, but declined and took the nomination for judge of Supreme court. He was elected and served from January 3, 1881, to January 2, 1893. He was a lecturer in the Central Law School of Indianapolis and at the law schools of DePauw and Northwestern Universities. He later became the president of Indiana Law School of Indianapolis. In co-operation with his son, William F. Elliott, he published "The Work of the Advocate," 1888; "Roads and Streets," 1890; "Appellate Procedure," 1892; "General Practice." At the close of his service on the Supreme bench, he re-entered practice, forming a partnership with his son, William F. Elliott. On September 5, 1855, he married Harriet A. Talbot, two children being

born, William F. and Mrs. Robert C. Wright. He died November 19, 1913.

William Allen Woods was born May 16, 1837, near Farmington, Tennessee His father, a young preacher, died when the future judge was one month old. His mother, whose maiden name was Ewing, seven years later married John Miller and moved to Iowa. The stepfather soon afterward died, leaving the widow and children, four in all, to tend the farm. In 1855 he entered Wabash College and after graduating taught school. In 1862 he located at Goshen to practice law. In 1866 he was elected to the Legislature, and in 1872 became Judge of the Thirty-fourth circuit. He was reelected in 1878. From 1881 to 1883 he was on the Supreme bench, resigning to serve as United States District Judge. He was on this bench from May 8, 1883, to March 17, 1892, resigning to become United States Circuit Judge for the Seventh circuit, holding this position until his death. On December 6, 1870, he married a Miss Newton, of Des Moines, Iowa. They were the parents of two children.

Judge Worden's term would have expired in January, 1883, but after eighteen years of service he announced that he would not again seek the office. His friends then nominated and elected him Judge of the Superior Court of Allen county, necessitating his resignation from the Supreme bench. His resignation took effect December 2, 1882, and his successor, William H. Combs, was appointed the same day. Col. Robert S. Robertson had been selected by the governor, but, hearing that his older associate had been considered, Colonel Robertson telegraphed his own withdrawal in favor of Combs. It was an act worthy of the Colonel and as generous as it is rare in politics. He was succeeded on January 1, 1883, by Allen Zollars, of Ft. Wayne.

William H. Combs was born in Brunswick, Maine, July 17, 1808. He came with his parents to Cincinnati, Ohio, in 1811, where he received his education. In 1831 he settled at Connersville, read law with Caleb B. Smith, and was admitted to the bar in 1834. In 1835 he moved to Wabash, and in 1837 to Fort Wayne. In 1849 he went by way of Cape Horn to California, returning in 1856. He retired from

active practice in 1886. He was a Whig and later a Republican. He married Jane Edsall at Ft. Wayne, May 25, 1837. They were the parents of eleven children.

At the election of 1882 it was necessary to elect a new court. The Democratic convention, on August 2, renominated William E. Niblack from the First district, George V. Howk from the Second by ten majority on the first ballot over Alexander C. Downey; from the Fourth district, James Brown, of Henry county, William A. Bickle, of Wayne, and Allen Zollars, of Allen, were before the convention, Zollars being nominated on the first ballot.

On the 9th of August, the Republicans met at Indianapolis and nominated William P. Edson, of Mt. Vernon, from the First district; J. G. Berkshire, of Jennings county, from the Second, and John F. Kibbey, of Richmond, from the Fourth. There was no opposition to the first two. The latter was opposed by Jacob M. Haynes, of Jay county, but before the ballot was taken, Haynes' name was withdrawn. The Democratic candidates were elected by about ten thousand majority.

The work of the court piled up gradually during this period, so that, as a measure of relief, the Legislature of 1881 provided for a commission to assist the court in its work. This commission will be discussed later. The previous Legislature had appointed a committee of three lawyers, James S. Frazer, David Turpie and John S. Stotsenburg, to revise and codify the laws. Their report was ready for the Legislature of 1881. This, it was hoped, would both expedite the work of the court and also lessen the amount of litigation, which was assuming large proportions. It is noticeable also that the court from 1883 to 1896 succeeded in ridding itself somewhat from the maze of technicalities which had accumulated to such an extent that it was almost impossible to sustain a conviction in some classes of criminal cases.

It was during the life of this court (1883-1889) that the famous case over the lieutenant-governorship came up. In 1886 Lieutenant-Governor Mahlon D. Manson resigned. On the advice of Attorney-General Francis T. Hord, an election to fill the office was held in the fall of 1886. When the Legis-

lature met in 1887, the Senate was Democratic and its president, Alonzo G. Smith, instituted proceedings to keep the election returns from the Senate. The Supreme court decided it had no jurisdiction, thereby incurring the displeasure of the Republicans. Col. Robert S. Robertson, of Ft. Wayne, who had been elected lieutenant-governor on the Republican ticket, insisted on holding his office. Smith secured a restraining order against Robertson, but the Supreme court held this invalid, thereby incurring the displeasure of the Democratic party. As a result of its decision the court lost considerable favor in the eyes of the people. The new court took office in 1883, according to the Constitution, Zollars being the only new member.

Allen Zollars was born in Licking county, Ohio, September 3, 1839, a son of Frederick and Anne (Whitmore) Zollars. He was educated at Denison University, Granville, Ohio, graduating in 1864. He then entered the law office of Judge Buckingham at Newark, Ohio, and later attended the University of Michigan, completing the law course there in 1866. He located at Ft. Wayne, Indiana, to practice. In 1868 he was elected to the Legislature. In 1869 he became city attorney of Ft. Wayne, serving in this capacity for six years. Upon the establishment of the Superior court in Allen county in 1877 he was appointed Judge, but resigned after a short time to resume the practice of his profession. In 1882 he was elected to the Supreme bench and served from 1883 to 1889. He continued the practice of law until his death, December 20, 1909. He was a thirty-second-degree Mason and a Knight Templar. In November, 1887, he married Minnie Ewing, of Lancaster, Ohio. They had three children, Fred F., Clara (Zollars) Bovel and Charles E.

On May 8, 1883, Judge Woods resigned from the bench, having been appointed to the Federal bench of the district of Indiana. Governor Porter appointed as his successor, Edwin P. Hammond, the appointment dating from May 14, 1883, his tenure to continue until the next general election.

Edwin Pollock Hammond was born November 26, 1836, at Brookville, Indiana. He was the son of Nathaniel and Hannah H. (Sering) Hammond. He received a common

school education at Brookville and Columbus, Indiana, where his parents moved when he was fourteen years old. At the age of twenty he became a student in the law office of his brother, A. A. Hammond, and Thomas H. Nelson, of Indianapolis. In 1857 he was admitted to the senior law class at Asbury University and graduated that spring. In 1858 he located at Rensselaer and opened a law office. When the Civil War broke out he enlisted. When he was mustered out of service at the close of the war, he was made a brevet-colonel. After the close of the war he again entered the practice of law and became judge of the Thirtieth judicial circuit in 1873, first by appointment, later by election. He was again elected without opposition in 1878. He held this office until appointed to the Supreme bench, serving from May 14, 1883, to January 16, 1885. On retiring he re-entered active practice. In 1890 he was elected Judge of the Circuit court, serving until 1892, when he resigned to form a partnership with Stuart Brothers, of Lafayette, where he located in 1894. He is a member of the Masons, Odd Fellows, Grand Army of the Republic, Union Veteran Legion and Loyal Legion. He married Mary V. Spitler in 1864. Their children were Louise, Angela, Edwin P., Jr., Jean and Nina V.

It was necessary to fill the vacancy caused by the resignation of Judge Woods at the regular election of 1884. The Democratic convention at Indianapolis, June 25, 1884, nominated Joseph A. S. Mitchell, of Goshen, by acclamation. On the 19th of June preceding, the Republicans had nominated Judge Hammond for the office then held by appointment. At the fall election Mitchell was chosen by a majority of 3,721, about one-half the majority secured by other candidates on the ticket. This latter fact was not due to his own unpopularity, but to the popularity of his opponent.

Joseph A. S. Mitchell was born near Mercersburg, Franklin county, Pennsylvania, December 21, 1837, the son of Andrew and Sarah (Leeson) Mitchell. He received a meager education in the common schools of his native state, and when seventeen years of age came west to Illinois, where he attended the academy of Blandisville. In 1856 he returned to Pennsylvania and began the study of law in the office of

Riley & Sharp at Chambersburg. Three years later he was admitted to the bar and in 1860 settled in Goshen, Indiana. When the Civil War opened, he enlisted, serving in the cavalry for two years, and later became a captain. He was made inspector-general by General McCook and served in this capacity until the end of the war. He re-entered the practice at Goshen and became the partner of Judge John H. Baker. He served two terms (1872 to 1874) as mayor of Goshen. In 1884 he was elected to the Supreme bench of the state and was re-elected in November, 1890, for a second term, but died before his first term was completed. He was a member of the Methodist church, and a trustee of DePauw University. His death occurred on December 12, 1890, at Goshen. In December, 1865, he married Mary E. Defrees. They had two children, Harriet and Defrees.

The term of Judge Elliott, of the Third district, expired in January, 1887, and a successor had to be elected in 1886. The Democrats in convention, August 11, nominated John R. Coffroth, of Lafayette, a lawyer of fine reputation. He was born in Franklin county, Pennsylvania, August 11, 1828, being fifty years old on the day of his nomination. He had sat in the House during the Forty-sixth and Forty-seventh Assemblies, and had been a successful candidate for attorney-general in 1868 and 1872. The Republicans nominated Judge Byron K. Elliott at their state convention, September 2nd. He had no opposition and was re-elected in November for a six-year term.

The regular terms of three of the judges expired January 7, 1889, so that it became necessary in 1888 to elect new members from the First, Second and Fourth districts. As mentioned above, the old court had aroused considerable hostile criticism with the usual result at the fall election.

The Democrats held their convention April 26, 1888, and renominated Judges Niblack of the First, Howk of the Second, and Zollars of the Fourth. They had no opposition. The Republicans in convention at Indianapolis, August 8th, presented three candidates from the First district: James H. Jordan, of Martinsville, Silas D. Coffey, of Clay county, and

W. P. Edson, of Posey county. Coffey was nominated on the first ballot. From the Second district, John G. Berkshire, of North Vernon, was nominated without opposition. The Fourth district had two candidates, Leander J. Monks, of Winchester, and Walter Olds, of Columbia City. The latter was nominated. The Republican candidates were all successful by small majorities.

Walter Olds was born in Morrow county, Ohio, August 11, 1846, the son of Rev. Benjamin and Abigail Olds. His education was acquired in the public schools and the State University at Columbus, Ohio. He read law with his brother at Mt. Gilead, Ohio, was admitted to the bar in 1869 and located at Columbia City, Indiana, where he began the practice. He served in the State Senate (1876-80), was Judge of the Circuit court in his district (1884-88), resigning on being elected Judge of the Supreme court. He served from January 7, 1889, to June 15, 1893, when he resigned and went to Chicago to practice. He had offices in Chicago and Hammond with Charles F. Griffen. In 1901 he moved to Ft. Wayne and became the attorney for several trunk lines passing through the northern part of the state. He is a member of the Methodist church, the Grand Army of the Republic, and the Elks. On July 1, 1873, he married Marie J. Merritt, and they have one son, Lee Olds, a graduate of Northwestern University, now practicing law in San Francisco.

Silas D. Coffey was born February 23, 1839, on a farm in Owen county, Indiana, the son of Hodge R. and Hannah (Wilson) Coffey. He was educated in the common schools. He entered the State University in 1860, but enlisted upon war being declared, and served until he was compelled to leave the service on account of ill health. After the war was over he returned home, studied law and opened an office at Bowling Green, then the county seat of Clay county. In 1865 he was an unsuccessful candidate for prosecuting attorney and shortly afterwards formed a partnership with W. W. Carter, which continued until the former ascended the bench. In 1877 he moved to Brazil, where he was living in 1881, when Governor Porter appointed him Judge of the Thirteenth circuit, being elected to the bench in 1882. In 1888 he was

elected Judge of the Supreme bench of Indiana, serving from January 7, 1889, to January 7, 1895. On November 1, 1864, he married Caroline L. Byles. They had one son and three daughters.

John Griffith Berkshire was born in Ohio county, Indiana, in 1832, son of William G. Berkshire, a blacksmith. He was educated in the common schools at Rising Sun and in 1857 graduated from the law school of Asbury University. In the same year he located at Versailles, where he practiced until 1864. From the latter date until 1882 he served as Judge of the First and Sixth judicial circuits, being elected the last two times without opposition. After his defeat in 1882 he moved to North Vernon, where he practiced until his election to the Supreme bench in 1888. He died at his home in North Vernon, February 19, 1891.

The court which convened in 1889 found itself involved with the General Assembly. Two laws concerning city government, the law providing for the appointment of state geologist and state statistician, a meat inspection act and a registration act, were declared unconstitutional. The Democratic platform of 1888 reads: "We appeal from the decision to the people of Indiana, and we demand a verdict against William A. Woods and the miscreants whom he saved from punishment," referring to a decision concerning the Dudley Blocks-of-Five letters. In another place this platform read: "Judges Coffey, Berkshire and Olds, Republican members of the Supreme court, deserve the contempt of the people of Indiana for their action in overturning the settled construction of the Constitution, reversing all legal precedents, and contradicting their own ruling for the sake of a few petty offices, and at the dictation of unscrupulous tricksters."

One is tempted to say the prophecy of Kelso in the Convention of 1850 was approaching and that there was danger that the courts would be dragged into politics. However, it was not so serious as the platform writer indicated, but still the voters showed some concern.

At the November election of 1890 Judge Mitchell was a candidate on the Democratic ticket to succeed himself, receiving the nomination by acclamation. The Republicans,

on September 10, nominated Robert West McBride, of Elkhart. Mitchell was elected by 21,252 majority, the largest majority on the ticket.

On the 12th of December, 1890, Judge Mitchell died at his home in Goshen, Indiana, and Governor Hovey at once appointed R. W. McBride, the unsuccessful candidate at the late election, to the vacancy. A protest was made by the Democrats that this was taking an improper advantage and further that it would make the court solidly Republican, a thing which ought to be avoided. A brief review will show that it was not the first time the court had been composed of members of the same political party. From 1865 to 1871 all the judges were Republicans. The members of the court of 1871 were all Democrats until Osborne was appointed. He was succeeded by Biddle, when again the members of the court were all Democrats. After the election of Elliott and Woods in 1880 the court had been divided.

Robert W. McBride was born, January 25, 1842, in Richland county, Ohio, the son of Augustus and Martha Anne (Barnes) McBride. His education was obtained in the common schools of Ohio and Iowa, and in a private academy at Kirkville, Iowa. He then taught school in Iowa, but returned to Ohio in 1862. He served during the Civil War in a cavalry company from Ohio. In 1866 he came to Waterloo, Indiana. During the winter of 1866-67 he served as one of the clerks of the State Senate. In 1867 he was admitted to the bar and commenced practicing law with James I. Best, this partnership being dissolved in 1868. In 1870 Joseph C. Morlan became his partner; in 1878 Morlan died and he then practiced alone until elected Judge of the Thirty-fifth district in 1882. In 1890 he moved to Elkhart, where he was living when he was appointed to the Supreme bench by Governor Hovey to fill the vacancy caused by the death of Judge Mitchell. He served from December 17, 1890, to January 2, 1893. On the expiration of his term he moved to Indianapolis, forming a law partnership with Caleb S. Denny, which continued until 1904, since which time he has been practicing alone. On September 27, 1868, Judge McBride was married to Ida S. Chamberlain, and to them have been born four children, Daisy

I., Charles H., Herbert W. and Martha Catherine. He is a thirty-second-degree Mason, an Odd Fellow, a Knight of Pythias, a Redman, a member of the Grand Army of the Republic, and a member of the Methodist church.

On February 19, 1891, a vacancy was created on the Supreme bench by the death of Judge Berkshire. On the 25th of the same month Governor Hovey appointed John D. Miller, of Greensburg, to take the place of Judge Berkshire. John D. Miller was born in Johnson county, Indiana, in 1843. At the age of fourteen he entered Hanover College. When the Civil War broke out he lacked one year of graduation, but he enlisted, nevertheless, in the Seventh Regiment and served three years. After the war he read law with Overstreet & Hunter at Franklin. He began the practice with Gavin & Hord at Greensburg, Colonel Gavin having been his colonel in the war. In 1873 he sat in the Legislature. After his services on the Supreme bench (February 25, 1891-January 2, 1893) he became a Circuit Judge (1894-98), dying in office.

By 1891 the court was hopelessly behind with its work, and the General Assembly of 1891 created the Appellate court, which will be discussed later. In the Democratic convention which met at Indianapolis, April 21, 1892, Jeptha D. New, of North Vernon, was nominated on the first ballot over William R. Johnson, of Lawrenceburg. Cyrus T. McNutt, of Terre Haute, and James McCabe, of Williamsport, were candidates from the Third, the latter securing the nomination. From the Fifth district there were three candidates: Timothy Howard, of St. Joseph, Thomas J. Woods, of Lake, and George Burson, of Pulaski. Howard was nominated on the first ballot. On July 9, 1892, Judge New shot himself at his home in North Vernon. The vacancy thus made on the Democratic ticket was filled by the nomination of Leonard J. Hackney.

The Republican convention at Fort Wayne, June 28, 1892, nominated Judges Miller, Elliott and McBride, all of whom were then serving. At the November election of 1892, Leonard J. Hackney was elected from the Second district by 6,687 plurality; James McCabe, from the Third by 6,460; Timothy

E. Howard, from the Fifth by 6,616. They assumed their official duties in January, 1893.

Leonard J. Hackney was born at Edinburg, Johnson county, Indiana, March 29, 1855, the son of Leonard J. and Kate Hackney. He received very little common school education. In 1871 he left home and found employment in the law offices of Hord & Blair, Shelbyville, Indiana, where later he became an assistant. In 1873 he entered the law office of John W. Kern at Kokomo, where he remained for about a year. He then became a law clerk in the firm of Baker, Hord & Hendricks, of Indianapolis, and spent all his spare time in studying the law. In 1876 he returned to Shelbyville and opened a law office. He was elected prosecuting attorney in 1878 of the Sixteenth judicial circuit and, after serving one term, resumed his practice. On November 17, 1888, at the age of thirty-three, he took his seat on the bench as Judge of the Sixteenth circuit. In 1892 he was elected to the Supreme bench, serving from 1893 to 1899. He then engaged in the general practice from 1899 to 1905, since which time he has been attorney for the Cleveland, Cincinnati, Chicago & St. Louis Railway Company. On December 28, 1878, he married Ida L. Pudney, of Franklin, Indiana. The family home is in Cincinnati, Ohio.

Timothy E. Howard was born January 27, 1837, near Ann Arbor, Michigan, the son of Martin and Julia (Beahan) Howard. His early education was obtained in the country schools of Michigan, at Ypsilanti and the University of Michigan. In 1859 he entered the University of Notre Dame to complete his studies, teaching some preparatory classes to make his way. In February, 1862, he enlisted for service in the Union army, but was wounded in April, 1862, and discharged as unfit for further service. He returned to Notre Dame and completed his work two years later, receiving the Master of Arts degree. He then studied law and became a professor of law in his Alma Mater. In 1878 he was elected a member of the city council of South Bend and twice re-elected. In the same year, 1878, he was elected clerk of the St. Joseph Circuit court. In 1886 he was elected to the State Senate and re-elected in 1890. He served several years as

city and county attorney for South Bend and St. Joseph county. He is the author of the tax law of 1891. In 1892 he was elected judge of the Supreme court and took office January 2, 1893, serving a full term of six years. He was president of the Indiana fee and salary commission in 1899 and in 1903 a member of the commission for revising and codifying the laws of Indiana. He became an instructor in the law department of Notre Dame University in 1908, a position he still retains. On July 14, 1864, he married Julia A. Redmond, of Detroit, Michigan. They are the parents of eight children. (Judge Howard died on July 9, 1916.—ED.)

James McCabe was born in Darke county, Ohio, July 4, 1844. When an infant his parents moved to Kosciusko county, Indiana, and later to Illinois. He attended his first school (a night school) at Crawfordsville, Indiana, when he was seventeen years of age, and maintained himself in the meantime by working on the Monon railroad as a section hand. Marrying at the age of eighteen a girl two years younger than himself, it was necessary for him to quit school to make a living for his family. His start in the legal profession was the result of an accidental visit to the court room at Crawfordsville where he heard Voorhees and Hannegan plead in a trial. From the day he decided to be a lawyer, he taught school in the winter, studying law in the meantime, and was admitted to the bar in 1871. He became one of the leading lawyers of his section of the state. He was nominated by his party for Congress on two different occasions and made heavy inroads on the Republican majority in his district. In 1892 he was elected to a seat on the Supreme bench and served a full term of six years. He was renominated by his party in 1898, but went down to defeat with the rest of the ticket. He then returned to Williamsport, where he practiced until his death, in 1911. Judge McCabe was married March 24, 1853, to Serena Van Cleve, the daughter of the man with whom he was boarding while attending the night school taught by Judge Naylor. He died March 23, 1911, and had he lived until the following day, he and his wife would have celebrated their fiftieth wedding anniversary. He left a widow and three children: Nancy Ellen, wife of J. B. Givin; Edwin F., an at-

torney of Williamsport, and Charles M., an attorney of Crawfordsville.

On June 15, 1893, Judge Olds resigned his position on the bench in order to become an attorney for a railroad. Governor Matthews appointed Joseph S. Dailey, of Bluffton, as his successor. The appointment was published July 18, though his commission bore the date of July 24th.

Joseph S. Dailey was born in Wells county, Indiana, May 31, 1844, the son of James and Lydia Dailey. He received his education in the public schools of Bluffton, and the law school of Indiana University, graduating in 1866. Immediately after his graduation he entered the practice at Bluffton, and in the following fall was elected district attorney of the Common Pleas court. In 1868 he was elected prosecuting attorney for the Tenth judicial circuit and served continuously until 1876. He was a member of the Legislature in 1879. In 1888 was chosen Judge of the Twenty-eighth judicial circuit, holding this position until he was appointed in 1893 to the Supreme bench by Governor Matthews. His term expired January 7, 1895, and he at once re-entered the practice at Bluffton, being defeated for re-election by Leander J. Monks. On March 13, 1870, Judge Dailey was married to Emma Gutchins. Their children are Frank C., Lewis W., Charles Gutchins and Blanche.

In 1894 there were two Supreme Judges to be elected. The Democrats, on August 15, nominated George L. Reinhard, from the First district, and Joseph S. Dailey, of Bluffton, from the Fourth. The former was then on the Appellate bench, and the latter on the Supreme. The Republicans nominated James H. Jordan from the First district, and Leander J. Monks from the Fourth. The Republican candidates were elected by heavy majorities.

James H. Jordan was born December 21, 1842, at Woodstock, Virginia. He came to Indiana in 1853 with his parents, who settled near Corydon, where he lived until the Civil War opened. He served three years as a member of the Forty-fifth Regiment, Indiana Volunteers, the Third Cavalry. On returning from the war he entered Wabash College, but left there and graduated at Indiana University in 1868 with the

degree of Bachelor of Arts. He then read law with Judges William A. Porter and Thomas C. Slaughter, of Corydon, Indiana. He re-entered Indiana University and graduated from the law department in 1871. He was admitted to the bar at Corydon in 1871. He then removed to Clinton, Missouri, but subsequently returned to Indiana and settled at Martinsville. In 1872 he was appointed district attorney of the Common Pleas court and served until this court was abolished in 1873. He was then elected city attorney of Martinsville, in which capacity he served twelve years. In 1888 he was an unsuccessful candidate for a place on the Supreme bench. He was elected in 1894 and served until his death on April 10, 1912. He was a member of the Grand Army of the Republic, the Odd Fellows, Knights of Pythias, and the Greek letter fraternity, Phi Kappa Psi. He served as a trustee of Indiana University for a number of years.

Leander J. Monks was born July 10, 1843, at Winchester, Indiana, being the son of George W. and Mary A. (Irvin) Monks. He received his early education in the common schools of Randolph county, and entered Indiana University in 1861, remaining until 1863. He was admitted to the bar in 1865 and practiced until 1871 with Col. M. B. Miller; until 1875 with Enos L. Watson, and until 1878 with W. A. Thompson. In 1878 he was elected Judge of the Twenty-fifth judicial circuit. He was elected three times, serving until he resigned to become a member of the Supreme court in 1894. In 1894 he was elected a judge of the Supreme court of the state. He was re-elected in 1900 and again in 1906, thus serving eighteen years on the Supreme bench. After leaving the bench he opened offices in Indianapolis with James P. Goodrich, John H. Robbins and H. C. Starr in the Pythian building. He is a member of the Methodist church, a Republican, a thirty-second-degree Mason, an Odd Fellow and a Sigma Chi. On August 2, 1865, Judge Monks married Lizzie W. White. They had four children, Margaret, Mary D., Alice and Agnes.

There was no change in the personnel of the Supreme court from January, 1895, to January, 1899. The terms of Judges Hackney, Howard and McCabe would expire January 2, 1899; all three judges were renominated at the Democratic

state convention on June 22. There was no opposition to the last two. Hugh D. McMullen was a candidate in the Second district against Judge Hackney. The Republicans were confident of carrying the state at the election of 1898 and there was a spirited contest for the positions on the ticket. There were three candidates in each of the three judicial districts. In the Second were Alexander Dowling, of New Albany, William J. Henley, of Rushville, and Oscar Montgomery, of Seymour. Dowling was nominated on the second ballot. From the Third district, the candidates were James B. Black, of Indianapolis, John V. Hadley, of Danville, and Joseph M. Rabb, of Williamsport. Hadley was nominated on the first ballot. From the Fifth district, Francis E. Baker, of Goshen, Harvey V. Shively, of Wabash, and Hiram S. Biggs, of Warsaw, were the candidates, the first named winning on the first ballot. The entire Republican ticket was elected by pluralities ranging from fifteen to twenty thousand.

John V. Hadley was born in Hendricks county, Indiana, October 31, 1840, the son of Jonathan and Ara Hadley. He had a common school education and was attending Northwestern Christian University in 1861 when he enlisted in the Union Army, serving three and one-half years. As a result of his prison experience he wrote a book entitled "Seven Months a Prisoner." On returning from the war he studied law at the Indianapolis Law School in 1866 and was admitted to the bar the same year, forming a partnership with Jesse D. Ogden, which lasted till 1877. Later partners were R. B. Blake and Enoch G. Hogate. He served as Circuit Judge from 1888 to 1899, and as justice of the Supreme court of Indiana from 1899 to 1911. He was a Mason, a member of the Grand Army of the Republic, and president of the First National Bank, Danville. He married Mary J. Hill, March 16, 1865. They had three children, Kate B., Hugh H. and Walter G. Judge Hadley died November 17, 1915, at Danville, Indiana.

Francis E. Baker was born at Goshen, Indiana, October 20, 1860, the son of John Harris and Harriet (Defrees) Baker. His education was received in the public schools and at Indiana University (1876-78). He received the Bachelor of Arts

degree from the University of Michigan in 1882. He was admitted to the bar in 1885 and practiced law with his father, John H. Baker, until 1892 and from then until 1899 with C. W. Miller. In 1898 he was elected to the Supreme bench of Indiana and served from January 2, 1899, to January 25, 1902, when he was appointed United States Circuit Judge, which position he still holds. He married May Irwin, of Goshen, Indiana, February 21, 1888.

Alexander Dowling was born in Nellsboro, Loudoun county, Virginia, December 19, 1839, the son of Henry M. and Harriet I. Dowling. His family moved to New Albany, Indiana, in 1840, where he was educated in the public schools. He read law in the office of Otto & Davis and was admitted to the bar in 1858. He served two terms as prosecutor and two terms as city attorney of New Albany, 1860-68. In 1891 he was offered an appointment on the Supreme bench to succeed Judge Berkshire, but declined. He was elected judge of the Supreme bench in 1898 and served from 1899 to 1905. He is a Republican. He married Cornelia F. Kiger, of Greencastle, October 18, 1859.

In 1900 Judges from the First and Fourth districts had to be chosen. The Republicans in state convention at Indianapolis April 25, renominated Judges Jordan and Monks. The former was opposed by John H. Foster, then sitting on the Superior bench at Evansville. The Democrats, on June 6, nominated George L. Reinhard, of Rockport, from the First district and Joseph W. Adair, of Columbia City, from the Fourth. Adair was opposed by B. C. Moon, of Kokomo.

Adair, the nominee, was then serving as Judge of the Thirty-third circuit. He was born in 1843. He served in the One Hundredth Indiana Regiment during the Civil War. He had been appointed a Circuit Judge by Governor Gray, elected in 1890 and again in 1896. He retired from the Circuit bench on January 1, 1909, after twelve years' service. He died April 7, 1910, at the hospital in Fort Wayne, at the age of sixty-seven. The Republican candidates were successful at the polls (Judge Jordan by 26,106 and Judge Monks by 26,027) and in the following January they succeeded themselves on the bench.

On January 25, 1902, Francis E. Baker resigned to accept a position on the federal bench to succeed William A. Woods. The same day Governor Durbin appointed John H. Gillett, of Hammond, to the vacated position. Judge Gillett was then Judge of the Lake Circuit Court. At the following election, in 1902, he was elected for a full term.

John H. Gillett was born in Medina, New York, September 18, 1860, the son of Judge Hiram A. and Helen (Stitt) Gillett. In 1861 he moved with his parents to Valparaiso, Indiana, and was educated in the public schools of that city. When eighteen years of age he began the study of law and after three years of careful training under the direction of his father, he formed a partnership with Edgar D. Crumpacker, which was dissolved eighteen months later. During the next four years he was an instructor in law at Northern Indiana Normal School, while at the same time he continued his practice. In 1885 he was appointed city attorney of Valparaiso. He was deputy attorney-general of the state from 1886 to 1890. In 1890 he moved to Hammond, Indiana, and formed a law partnership with Peter Crumpacker which continued until June, 1892. He was then appointed judge of the Thirty-first circuit, and was elected for a full term at the next election, serving from 1892 to 1902 when he resigned to accept an appointment as Judge of the Supreme court. In November, 1902, he was elected, serving from January 25, 1902, to January 3, 1909. He is the author of two legal volumes: "Criminal Law" and "Indirect and Collateral Evidence." On April 23, 1884, he married Agnes Ackiman. They have one son, Gerald. He is a member of the Christian church and a Knight of Pythias.

On April 24, 1902, the Republicans nominated Judge Gillett for the position he then held by appointment. His opponent was Timothy E. Howard, of South Bend, nominated by acclamation June 4. Judge Gillett was elected and in January, 1903, began a full term as Judge from the Fifth District.

In 1905 the judgeship from the Second district became vacant. Judge Dowling, whose term expired, was not a candidate and the Republicans in their state convention in 1904 nominated Oscar Montgomery, of Seymour, without opposi-

tion. John V. Hadley, of Danville, was renominated from the Third. The Democrats nominated George E. Downey, of Aurora, from the Third. The Republican candidates were elected.

Oscar H. Montgomery's grandparents, Richard Montgomery and Annabell (Clarkson) Montgomery, came from Glasgow, Scotland; his grandparents on his mother's side were descended from the Closes and Meads of Connecticut, and the Taylors and Colliers of the South; his father was born at Jeffersonville, Indiana, and was named Theophilus Wylie after the father of the Wylie early connected with Indiana University. Judge Montgomery was born on a farm near Seymour, Indiana, April 27, 1859, and attended the district schools until the age of seventeen. In the fall of 1876 he entered the second year of the preparatory department of Hanover College, and graduated from the classical department in June, 1881. From 1881 to 1884 he taught school at Reddington, Medora and Cortland, in Jackson county, and studied law during vacations in the office of Albert P. Charles in Seymour. He was admitted to the bar, April 22, 1884, formed a partnership with a cousin, L. H. Reynolds, and began practice at Greenfield the first of May under the firm name of Reynolds & Montgomery. He returned to Seymour, February 1, 1885, and began practice alone and continued alone for twenty years. He received the degree of Master of Arts from Hanover College in 1886. He married Ida E. Harding, of Seymour, October 27, 1886, and has four children: Madge, the wife of Judge John B. Steel, of Greensburg, Pennsylvania; Theophilus Harlan, now his partner in practice; Merrill M., and Harriet E. He served ten years as city attorney of Seymour, but held no other office until his election to the Supreme court in 1904. He has served as chairman and secretary of the Republican county committee, chairman of the Fourth congressional district committee, and as delegate to the Republican national convention in 1896, and again in 1912. He is a past chancellor of Knights of Pythias, a Mason, a director in the Bank of Seymour, and for more than twenty years has been a trustee of Hanover College. He is a member of the county and state bar associations, and also of the American

Bar Association. He returned to the practice of law after retiring from the bench in January, 1911, and has been at Seymour since with his son, associated under the firm name of Montgomery & Montgomery.

In 1907 the terms of the Judges from the First and Fourth districts would expire. It was necessary, therefore, to elect their successors at the fall election of 1906. The Democrats at Indianapolis, June 6, nominated Eugene A. Ely, of Petersburg, from the First, and Richard K. Erwin, of Ft. Wayne, from the Fourth. Judge Ely was born at Warsaw, Kentucky, October 21, 1847, a son of John and Elizabeth (Hatfield) Ely. The family came to Spencer county in 1864, the son growing up on a farm and teaching school. He was admitted to the bar in 1871 and in 1873 located at Petersburg. He married Rhoda M. Frank and they have three sons, Horace, Harry and Frank. He is a Presbyterian, a Mason and an Odd Fellow. There had been some opposition to each, but at the convention both were chosen by acclamation. The Republicans nominated and elected for the third time James H. Jordan and Leander J. Monks.

At the election of 1908 a Judge from the Fifth district had to be elected. There were three candidates before the Democratic convention at Indianapolis, March 26, Moses B. Lairy, of Logansport, J. T. Cox, of Peru, and Timothy E. Howard, of South Bend. Lairy was nominated on the third ballot. Judge Lairy later served on the Appellate bench and his biography will be found there.

The Republicans met at Indianapolis on April 1, and the next day nominated Quincy A. Myers, of Logansport, over John H. Gillett, then in office. It was an unusual proceeding, but before the roll call was one-third through it was evident that Myers would be nominated and Gillett withdrew. At the fall election Myers was elected by a small plurality.

Quincy A. Myers was born in Clinton township, Cass county, Indiana, September 1, 1853, the eldest son of Isaac N. and Rosanna (Justice) Myers. His early education was in the district schools. He prepared for college at the Presbyterian Academy in Logansport, graduating in 1870. He then entered Northwestern Christian University at Indianapolis,

but had to relinquish his work after a year owing to ill health, continuing his studies under a tutor. In 1873 he matriculated at Dartmouth College, New Hampshire, graduating in June, 1875. Following his graduation he read law under the direction of DeWitt C. Justice and Judge Maurice Winfield and then entered Albany Law School, Union University, at Albany, New York, graduating in June, 1877. Returning to Logansport, he practiced with Judge Winfield until 1889, then forming a partnership with Judge John C. Nelson, which continued until 1903. He was city attorney of Logansport from 1885 to 1887. In 1906 Nelson retired and Myers continued in the practice alone until January 1, 1909. In 1908 he was elected to the Supreme bench, serving from 1909 to 1915. He then returned to the practice of law at Indianapolis. Judge Myers is a Republican, a Knight Templar, Elk, and a Methodist. On March 3, 1886, he married Jessie D. Cornelius, two children being born, Melissa and Marie Rosanna, the latter dying in 1910.

Judges from the Second and Third districts had to be elected in 1910 to succeed Judges Hadley and Montgomery. Judge Hadley was not a candidate, but Judge Montgomery was renominated without opposition at the Republican state convention on April 4. There were three candidates for the position on the ticket to succeed Judge Hadley: Charles Moores, of Indianapolis; Frank Roby, of Indianapolis, and Robert W. Miller, of Franklin, the latter winning on the second ballot. The Democrats at Indianapolis, April 28, nominated Douglas Morris, of Rushville, for the Second district. His only opponent was J. K. Ewing, of Greensburg. From the Third district, Charles E. Cox, of Indianapolis, was nominated over Charles E. Barrett, of Indianapolis, D. J. Heffron, of Indianapolis, and William V. Hooker, of Noblesville. Cox was nominated on the first ballot.

Judge Charles E. Cox, a member of the Supreme bench since January 1, 1911, was born in Hamilton county, Indiana, February 21, 1860. He was educated in the common and high schools of Hamilton and Tipton counties. He came to Indianapolis in 1879 and has made the city his home since that time. He is a brother of Jabez Cox, Judge of the Miami Cir-

cuit court from 1896 to 1908, and of Millard F. Cox, Judge of the Criminal court of Marion county from 1890 to 1894. Judge Cox commenced the study of law while acting as clerk to Judge William E. Niblack, Judge on the Supreme bench from 1877 to 1889, and completed his legal education and was admitted to the bar while serving as librarian of the state law library from 1883 to 1889. He was deputy prosecuting attorney of Marion county from 1890 to 1894 and in the fall of the latter year was elected city judge of Indianapolis, serving as such from 1895 to 1899. He then opened a law office and continued in practice until he took his seat on the Supreme bench on January 1, 1911. Judge Cox married Emma M. Cooley, of Indianapolis, June 10, 1884, and has three children, Eleanor M., Samuel L. and Charles E., Jr.

Douglas Morris, a member of the Supreme bench since 1911, was born at Knightstown, Indiana, January 5, 1861, a son of John and Hannah (Scovell) Morris. After completing his elementary education in the public schools, he entered DePauw University, graduating in 1882 with the degree of Bachelor of Arts. He then began the study of law, was admitted to the bar in the following year and at once began the practice of his profession at Rushville. He was elected Judge of the Eighth judicial circuit in 1898 and served on the Circuit bench for a full term of six years. He then resumed practice and so continued until he was elected to the Supreme bench in the fall of 1910. Judge Morris married Pamela A. Spann, of Rushville, Indiana, October 6, 1892. He is a Democrat in politics and a Presbyterian in religion.

The Republicans in convention at Indianapolis, August 5, 1912, nominated Leander J. Monks for the Fourth district and Woodfin D. Robinson, of Evansville, for the First. Robinson had formerly served on the Appellate bench and his biography may be found there. The Progressives met at Indianapolis on July 31 and nominated Judge James B. Wilson, of Bloomington, for the First district and Theodore Shockney, of Union City, for the Fourth.

James B. Wilson, now practicing in Bloomington, Indiana, was born on a farm near Spencer, Indiana, February 22, 1859. He was educated in the common and high schools and Indiana

University, graduating from the law department of the latter in 1892. He practiced in Bloomington until 1902, when he was elected Circuit Judge, serving twelve years. He is a Republican, a Mason, an Odd Fellow, a Knight of Pythias, an Elk and a Woodman. He married Ona Stephenson in 1884. They had two sons. The wife died June 7, 1910. Later Judge Wilson married Maude Showers.

Theodore Shockney was born in Wayne township, Randolph county, September 16, 1852, a son of William P. and Jane (Frazier) Shockney. He spent his boyhood on the farm, being left an orphan at the age of ten. He was educated in the public schools and in the old college at Ridgeville. While teaching he studied law, part of the time under Gov. Isaac P. Gray. During 1877 he read law with Stanton J. Peelle at Indianapolis and in 1878 was admitted to the bar. He has always practiced at Union City. He has served in both branches of the General Assembly. In 1892 he was the Republican candidate for lieutenant-governor. On November 3, 1914, he was elected Judge of the Randolph Circuit court on the Progressive ticket and was the only Judge of his party to be elected in the state, defeating Alonzo L. Bales, Republican. On September 23, 1876, he married Emma Alice Keever. They have two children living, Don P. and Mary Lucille. His wife died March 26, 1913.

The Democrats were the first to make nominations in 1912, meeting for the purpose at Indianapolis on March 21. There were four candidates from the First district: John W. Spencer, of Evansville; John C. McNutt, of Martinsville; O. B. Harris, of Terre Haute, and Edwin Corr, of Bloomington. Spencer was nominated on the third ballot. From the Fourth district there were only two candidates, Richard K. Erwin, of Fort Wayne, and Fred S. Caldwell, of Winchester. Erwin was nominated on the first ballot. The Democratic ticket was elected and in January, 1913, Richard K. Erwin succeeded Judge Monks and John W. Spencer succeeded James H. Jordan, who died April 10, 1912. Judge Spencer had been appointed April 15, 1912, to fill the vacancy caused by the death of Judge Jordan.

John W. Spencer, chief justice of the Supreme court of Indiana, was born at Mt. Vernon, Indiana, March 7, 1864. He attended the Central Normal College and began the practice of law at Mt. Vernon in 1885. He served as prosecuting attorney of Vanderburgh and Posey counties from 1891 to 1895. On November 9, 1911, Spencer was appointed Judge of the Vanderburgh Circuit court to fill the vacancy caused by the death of Judge DeBruler, and he served as Circuit Judge until April 15, 1912, when he resigned to accept a seat on the Supreme bench. Judge Spencer succeeded James H. Jordan, who died April 10, 1912, and was elected in the fall of the same year for a full term of six years.

Richard Kenney Erwin, a member of the Supreme court of Indiana, was born in Adams county, Indiana, July 11, 1860. He was educated in the district school and attended one term at Methodist College, Fort Wayne. He was admitted to the bar in 1886 and in 1891 was elected to the House of Representatives. He was re-elected in 1893. Erwin was county attorney of Adams county from 1889 to 1897, and Judge of the Twenty-sixth judicial circuit from 1901 to 1907. He was elected Judge of the Supreme court in 1912 by a plurality of 120,330, the largest ever given any Supreme Judge in Indiana.

Moses B. Lairy was born in Cass county, Indiana, August 13, 1859, and is a son of Thomas and Eliza (Barnett) Lairy. The father was a farmer and a native of Ohio. Moses B. Lairy was educated in the public schools of Cass county, and took up the profession of teaching. He attended school for a time at Valparaiso, Indiana. He began the study of law in the office of Chase & Fickle, and completed his law course at the University of Michigan, from which he was graduated in 1889. He was admitted to the bar in 1889. He was appointed Judge of the Twenty-ninth judicial circuit in 1895. In 1896 he formed a partnership with Michael F. Mahoney, which continued until he was elected Judge of the Appellate court in 1910. He was elected Judge of the Supreme court in 1914.

The Supreme court has been called upon many times to pass on matters of fundamental significance to the state of Indiana as well as to its people. Changing ideals, both in

morals and government, bring on crises which the Supreme court, as the highest judicial body of the state, has had to handle. The first two important questions both arose primarily in the domain of morals. These concerned lotteries and slavery. When Indiana was organized as a territory in 1800 and as a State in 1816, few people found any objection to lotteries. An act of September 17, 1807, provided a lottery as one of the sources of revenue for Vincennes University. Another act many years later authorized the use of a lottery to raise money to build a canal around the Ohio falls. The act of February 3, 1832, made the holding of a lottery a misdemeanor except the lottery be provided for by law. In the Constitution of 1850 (Article XV, Section 8) lotteries were absolutely prohibited. This, however, did not prevent the trustees of Vincennes University claiming the right under the original act of 1807 to operate their lottery. In pursuance of this right, the trustees, May 1, 1879, appointed five men to raise twenty thousand dollars by means of a lottery. One of these agents was indicted in Marion county and the case came in due time before the Supreme court. Justice James L. Worden, in the last opinion handed down by him, held that the constitutional provision meant what it said and prohibited all kinds of lotteries from operating in the state.

It would seem that the Ordinance of 1787 and the Constitution of 1816 were each specific and absolute on the subject of slavery in Indiana, but such was not the case. It was claimed that the Ordinance merely prohibited bringing more slaves into the territory and could not have the *ex post facto* power to liberate slaves already in the territory. Both the Ordinance and the Constitution were sought to be avoided by indenture laws. It is not proper here to enumerate the many attempts made both through Congress and the state Legislature to allow slaves to be held in the state. The first case in which the subject came for a ruling before the Supreme court was the State v. Lasselle (1 Blackford 60) and was decided at the July term, 1820. In this case Laselle had purchased Polly, a slave, from the Indians before the treaty of Greenville and, so it was argued, before the United States had any jurisdiction over it. In the trial before the Knox county

Circuit court the slave had been awarded to Lasselle. Amory Kinney, Moses Tabbs and George McDonald appeared before the Supreme court for the state and Jacob Call represented Lasselle. The opinion was by Justice Scott. The concluding lines of his decision, in answer to the claim that all previous rights of the settlers of Vincennes were still enjoyed by them, will show the ground of the reversal: "We are told that the constitution recognizes pre-existing rights which are to continue as if no change has taken place in the government. But it must be recollected that a special reservation cannot be so enlarged by construction as to defeat a general provision. If this reservation were allowed to apply in this case it would contradict and totally destroy the design and effect of this part of the Constitution. And it cannot be presumed that the Constitution, which is the collected voice of the citizens of Indiana, declaring their united will, would guarantee to one part of the community such privileges as would totally defeat and destroy privileges and rights guaranteed to another. From these premises it follows, as an irresistible conclusion, that, under our present form of government, slavery can have no existence in the state of Indiana."

Such language, it seems, would leave little hope for slavery ever to get a foothold in the state, but it was only a short time before the Supreme court was again called upon to rule on this question. In November term, 1821, the case of Mary Clark came up on appeal from Knox (1 Blackford 122). Mary on this question. In 1 Blackford 122, November term, 1821, the case of Mary Clark came up on appeal from Knox. Mary Clark, a colored woman, had bound herself under an indenture dated October 24, 1816, to serve General W. Johnston, a lawyer of Vincennes, for twenty years. The demand of the owner here was for specific performance implying personal service. Jacob Call again appeared for the defense and Charles Dewey for the appellant, Mary Clark. This was one of the hardest fought legal battles in the early history of our state. After a long discussion of the case, Judge Holman, who delivered the opinion, concluded: "The fact then is, that the appellant is in a state of involuntary servitude; and we are bound by the Constitution, the supreme law of the land, to discharge

her therefrom." Such was the death of slavery in Indiana, thirty-four years after the Ordinance of 1787 and five years after the Constitution of 1816.

The control of the liquor traffic has been one of the most difficult duties that have confronted the state. Numerous cases involving this question have come before the Supreme court. Only at times, however, has the question become politically acute and at such times the work of the court correspondingly delicate.

Under a law of March 4, 1853, the Legislature provided for a system of local option by townships. The first case involving this question came before the court from Tippecanoe county, November 29, 1853. A man named Maize had opened a saloon in a township which had voted no license. The man had been found guilty by the lower court and on appeal his attorneys, John Pettit and W. F. Lane, raised the questions: Can the General Assembly prohibit the sale of spirituous liquors? Is the act of March 4, 1853, constitutional, or so much of it as confers local option on the townships? The first question was not discussed by Judge Stuart, who delivered the opinion. The verdict was opposed to the local option feature. Some of the conclusions of the judge are very interesting. "It seems needless further to inquire whether the act in question is general and uniform in its operation. A law expressly providing for license in this county and that, by name, and so on alternately throughout the state would not in its operation essentially differ from this. Had the question been submitted to a vote of the state at large, the license feature, whether adopted or rejected, would have, at least, had the recommendation of uniformity. Besides, such an act, it is presumed, would not have had plausibility enough to mislead anyone into the belief that it was constitutional. But this act is a specious and accommodating refinement on local legislation—ingeniously comprehensive—annually presenting to the townships an aspect suited to the taste of each."

"Nor is it easy to see how, on principle, a public measure can be submitted, in the abstract, to a popular vote, consistently with the representative system. In effect it is changing the government to what publicists call a pure democracy,

such as Athens was. If one enactment may be submitted to such vote, so may another, so might all; thus would the representative system be wholly subverted. If the people desire to resume directly the law-making power, which they have delegated to the General Assembly, they have only to change the Constitution accordingly."

"As a license law the act is complete in itself without the part relating to the township vote. So much as related to the vote may be considered as stricken out."

The people in general were disappointed in the action of the court. However, in Aker v. State (5 Indiana 193), 1854, and Maize v. Godman, (7 Indiana 635), 1854, the court stood by its opinion.

In 1855 the Legislature passed a prohibition law. This also expressly repealed the license law of 1853. The constitutionality of the law was soon at issue before the Supreme court, where for nearly three years the court was equally divided. Finally, in the case of Howe v. the State, 10 Ind. 424, June 19, 1858, the court by unanimous opinion held the law unconstitutional. No reasoning is given. It should be observed that it was a new court that declared the law unconstitutional and not the old one, which had been deadlocked three years.

In the case of Jordan v. City of Evansville (163 Ind. 512), November term, 1904, to cite a modern opinion on the same subject: "The power to regulate the liquor traffic is found in the police power of the state, and it should be remembered in considering all statutes on that subject, that no one possesses an inalienable or constitutional right to keep a saloon for the sale of intoxicating liquors. To sell intoxicating liquors at retail is not a natural right to pursue an ordinary calling. The manner and extent of the regulation rest in the discretion of the governing body. It is a matter of legislative will only."

The matter of revising or amending the constitution is an important question with which the Supreme court has had frequently to deal. In this matter the courts have been more restricted in their rulings than in the construction of statutes. This policy is specifically laid down in Board of County Commissioners of Allen County v. Silvers (22 Ind. 491), 1864,

where it was said acts involving questions of constitutional law should be strictly construed. This decision was not so notable as several later ones based on its reasoning and determining matters of great popular interest.

The Supreme court has ruled on the question of the amendment concerning suffrage, voted on at the spring election of 1880.

There were cast for the amendment 169,483 votes and 152,251 against, a majority on its face of 17,232. By the returns of the last official enumeration taken in 1877 there were 451,028 voters in the state. The court accordingly held: "We can find no authority either in the Constitution of 1816 or of 1851 or in legislative acts upon the subject by which a constitution, or any of its separate articles, or any amendment thereto, could be adopted or ratified by a plurality of votes of the electors, or by any less number than a majority of the whole number cast at that election.

"The writer of this opinion, speaking for himself only, holds that it requires the votes of a majority of the electors of the state to ratify a constitutional amendment. He also holds that the number of electors of a state is a public fact which the courts must ascertain, without averment or proof, whenever it is necessary to the decision of a cause." The opinion was written by Judge Biddle and dissented from by Niblack and Scott.

Again practically the same question was ruled on at the November term, 1900, in the case *In re* Denny, which involved the question of the constitutionality of the so-called "Lawyer's Amendment." At the general election, November 6, 1900, 655,965 votes were cast for the candidates for governor. On the same day an amendment concerning the admission of lawyers to the bar was submitted. For this amendment there were cast 240,031 votes; against it, 144,072. Mr. Denny applied for admission and refused to take an examination, thus raising the question of the validity of the amendment. The following quotation from the long decision by Judge Baker gives the gist of it: "It was unnecessary for the parties to prove the vote. This court takes judicial notice of the returns made to the secretary of state; and if the trial court had

stated a different number the finding would be ignored, because this court is charged with judicial knowledge of the fact that 240,031 is the correct number. From the same source and with the same authenticity this court knows judicially that at the same election 664,094 votes were cast for presidential electors, 655,965 votes for governor and 493,670 on the other proposed amendment. Since we know absolutely that more than twice 240,031 electors of the state participated in the election, we hold that the proposed amendment in question was rejected." Judge Jordan dissented entirely from the reasoning and conclusion.

One more case on this general subject is entitled to mention here. The General Assembly, at its regular session 1911, passed, as a bill virtually, a new Constitution. This was a copy of the old Constitution except for twenty-three amendments. It was approved by the governor, March 4, 1911, and, according to its own tenor, was to be voted on by the people in November, 1912. Suit was brought by a citizen of Marion county to enjoin the secretary of state from performing his duties relative to the election. The long opinion by Judge Cox covers one hundred pages and for that reason will not be quoted here. The general contention of John T. Dye, who brought the suit, was that the act involves the submission of a new Constitution to the people for adoption or rejection and that the General Assembly is not clothed with such ample power. Judge Remster, of the Marion Circuit court, granted the injunction. The Supreme court said, "The constitutional and legislative history of the state bears the strongest witness against the contention that the general grant of legislative authority carries the power to formulate and submit at will, fundamental law to the people for their action. Power over the Constitution and its change has ever been considered to remain with the people alone, except as they had, in their Constitution, specially delegated powers and duties to the legislative body relative thereto for the aid of the people only." These cases, in a general way, show the caution with which the Supreme court preserves the Constitution; for without it there would be little use for the court.

During the Civil War the question of the currency pre-

sented some difficulties to the court. The court expressed itself most completely in the case of Thayer v. Hedges, 22 Ind. 282, at the May term, 1864, Judge Perkins being the spokesman. The suit was on a note conditioned to pay gold. The maker of the note tendered the payee the face of the note in United States treasury notes, thus raising the general question of a legal tender. The specific question before the court was, "Can Congress make paper issued under its authority a legal tender in the payment of all debts?" In a long and rather rambling decision the legal tender feature of the United States paper money was declared void. The decision is interesting in view of the later decisions in the United States Supreme court on the same question.

The question of interstate commerce came before our Supreme court in the case The State *ex rel* Corwin v. The Indiana Ohio Gas and Mining Company. It was the purpose to prevent the company from piping gas from the state. Judge Elliott delivered to the opinion. "The power to regulate commerce between the states is exclusively in the Federal Congress. Inaction by Congress will not authorize the states to legislate in matters of interstate commerce. The law now is, that all legislation in regulation of commerce between the states must be enacted by the national legislature. It is not in the power of the Legislature to prevent one citizen from buying or anyone from selling property. The rights of property are not subject to such absolute legislative control." This decision bears date November 6, 1889, and applies to the question of piping natural gas from the Indiana gas fields to Chicago.

SUPREME COURT COMMISSIONERS.

When the constitutional convention of 1850 was discussing the question of the judiciary and how many members should constitute the Supreme court, they undoubtedly had little conception in regard to the amount of business which that tribunal would have to review. The state has doubled in population since 1850 and yet we are today attempting to handle all of the business which reaches the Supreme court with the same number of judges which were provided sixty-five years ago. By 1881 the Supreme court docket was so

congested that it became imperative to provide some kind of relief. According to the Constitution it was impossible to increase the number of judges and, although the amendment of 1881 had made provision for another state court, yet the Legislature did not feel inclined to alleviate the situation by so doing. Instead of creating a new tribunal to relieve the Supreme court, the Legislature, with the act of April 14, 1881, made provision for what it chose to call "Commissioners of the Supreme Court." It is hardly possible to ascertain the motive of the Legislature in creating such a body. Opinions differ as to whether it was a political motive which actuated the Legislature or an unselfish desire on their part to provide relief for a condition which all admitted needed attention.

The act placed the appointment of the five Commissioners in the hands of the Supreme court and stipulated that the appointees should be "citizens of the state, of high character for legal learning and personal worth." Their duties as set forth in the act were as follows: "It shall be the duty of said commissioners, under such rules and regulations as the court shall adopt, to aid and assist the court in the performance of its duties. They shall not practice law, and shall hold office for the term of two years. They shall each receive a salary, equal to the salary of a judge of said court." Their term was limited to two years for the reason that it was reported to the Legislature that the Supreme court was about two years behind in its docket.

The five members of the Supreme bench had a tacit agreement whereby each was to appoint a commissioner from his own district. Niblack, of the First, selected William M. Franklin; Howk, of the Second, selected George A. Bicknell; Elliott, of the Third, selected Horatio O. Newcomb; Worden, of the Fourth, selected John Morris; and Woods, of the Fifth, selected James I. Best. It happened that the Commission consisted of three Democrats and two Republicans, although there was nothing in the statute requiring such a political division.

As it was finally worked out, the commissioners were assigned cases by the members of the Supreme court and after studying them were required to prepare an opinion. The

commission, like the Supreme court, met in the forenoon and, after arriving at a decision, submitted their finding to the higher tribunal. That body voted on the acceptance or rejection of such opinions as were handed down by the commissioners, the latter body having no vote. In other words, the five members of this commission were little more than clerks of the Supreme court, in that their opinions were not final in any sense, but merely advisory. The Supreme court could accept or reject them as they saw fit.

Under such circumstances it is not a matter of surprise that the commission was not altogether satisfactory. Some of the members of the Supreme court in the selection of their member for the commission, had to stretch the words of the act providing for the commission which stated that the men chosen were to be of "high character for legal learning and personal worth." Petty politics rather than personal worth was responsible for the appearance of at least one of these five men on the commission. The commission was assigned cases of all kinds with the exception of those dealing with capital crimes or constitutional questions. The Legislature in 1883 continued the commission for two more years and provided that it should expire by limitation on April 14, 1885.

During the four years in which the commission was in operation, the Supreme court docket had been relieved of its congested condition and it was felt that there would be no need of creating a new court or establishing another commission. However, by 1889 the docket of the Supreme court had again become so clogged with cases that for a second time an appeal was made to the Legislature to provide some relief. At this juncture the Legislature prostituted itself by passing a petty political act. The political situation was in a turmoil such as had not been seen for many years. The election of 1888 had resulted in a peculiar state of affairs; the governor, all the state officers and three members of the Supreme court were Republicans, but both houses of the Legislature were Democratic. It was a question of "tit for tat." The Supreme court was really in need of assistance and this is what happened. The Legislature passed a bill creating a commission of five members, which commission in all respects, but one,

was identical with the one created in 1881. The one difference lay in the fact that in the bill of 1889 the Legislature was to select the commissioners instead of leaving their selection to the Supreme court.

To all intents the commission of 1889 was to constitute a new Supreme court, but without the power to hand down final decisions. The Legislature, in accordance with the provisions of the bill, appointed William E. Niblack, Robert J. Lowry, Jeptha D. New, John R. Coffroth and Mortimer Nye. As might be expected, the Supreme court resented the intrusion of the Legislature into the judicial field and promptly declared the act unconstitutional (State *ex rel.* Hovey v. Noble, 118 Ind. 350) on the ground that "the power of deciding, the duty of deciding and the duty of writing opinions, are specially imposed upon the court." The decision further said that "A duty imposed upon a department of government must be performed by the chosen officers of that department, and it can be neither delegated nor surrendered." Consequently, the newly created commission came to an abrupt end. But it was patent to everyone that something must be done to relieve the Supreme court of some of its work, and this was done by creating the Appellate court in 1891.

During the four years that the Supreme court commissioners were in existence, there were seven different men who were members of the commission. The following table gives their names and dates of service:

George A. Bicknell____April 27, 1881-April 14, 1885.
John A. Morris_____April 27, 1881-November 1, 1883.
William M. Franklin__April 27, 1881-April 14, 1885.
Horatio C. Newcomb__April 27, 1881-May 23, 1882.
James I. Best_____April 27, 1881-April 14, 1885.
Walpole G. Colerick___Appointed November 9, 1883, to fill vacancy caused by the resignation of Judge Morris.
James B. Black_____Appointed May 29, 1882, to fill the vacancy caused by the death of Judge Newcomb.

William M. Franklin, commissioner of the First district, was born in Monroe county, February 13, 1820. From 1822 to 1840 he lived with his parents on a farm in Owen county, where he received a common school education. He spent three years in Asbury University. For three years he taught

and read law, locating at Spencer in 1844. In 1849 he was a member of the Legislature; then he became prosecutor of the Seventh circuit. From 1856 to 1870 he was Common Pleas judge, then he served a term as Circuit judge.

John A. Morris, commissioner from the Fourth district, was born in Ohio, December 6, 1816, the fourth child in a family of twelve, born to Jonathan Morris and Sarah Snyder. He was reared on a farm, educated in the common schools and seminaries and admitted to the bar in 1841. In November, 1844, he moved to Auburn, where he practiced till 1856, when he went to Ft. Wayne. He had served as Common Pleas Judge of DeKalb and Steuben. From April 27, 1881, to September, 1883, he was a member of the Supreme court commission. At the latter date he resigned and resumed the practice.

Horatio Newcomb, commissioner from the Third district, was born in Tioga county, Pennsylvania, in 1821. In 1836 he came with his parents to Jennings county, Indiana. He was a saddler by trade, but gave that up and read law with a Mr. Bullock. He practiced in Jennings county till 1846, when he moved to Indianapolis. In 1849 he was elected mayor, in 1854 he was elected to the House and in 1860 to the Senate. From 1864 to 1868 he edited the *Indianapolis Journal*. In 1871 he became a Judge of the Superior court. He died in May, 1882.

James I. Best, commissioner from the Fifth district, was born August 23, 1835, in Augusta county, Virginia. In 1852 he came with his parents to Huntington county, Indiana, where he taught school and read law with D. O. Daily. In 1860 he settled at Waterloo, where he practiced during his life. From 1872 to 1876 he was on the Circuit bench. He was a Republican.

Walpole G. Colerick, who succeeded John A. Morris as commissioner from the Fourth district, was born in Ft. Wayne, August 1, 1845. He was a son of David H. and Elizabeth (Walpole) Colerick. He was educated in the schools of Ft. Wayne and read law with his father. In 1878 he was elected to Congress and re-elected in 1880. In November, 1883, he was appointed by the Supreme court to the position

left vacant by John A. Morris. James B. Black, who represented the Third district after the death of Horatio Newcomb, May 29, 1882, was later a Judge of the Appellate court and his sketch will be found there. George A. Bicknell, who represented the Second, was a professor of law in Indiana University and his sketch may there be found.

JUDGES OF THE SUPREME COURT OF INDIANA.

Samuel Perkins	January 3, 1853-January 3, 1865.
Andrew Davison	January 3, 1853-January 3, 1865.
Addison L. Roache	January 3, 1853; resigned May 8, 1854, to become president of the Indiana & Illinois Central Railroad.
William Z. Stuart	January 3, 1853; resigned January 3, 1858, to become attorney for the Toledo & Wabash Railroad.
Alvin P. Hovey	Appointed May 8, 1854, to fill the vacancy caused by the resignation of Judge Roache, and served until December 10, 1855.
Samuel Barnes Gookins	December 10, 1855; resigned December 10, 1857, on account of ill health.
James M. Hanna	Appointed December 10, 1857, to fill vacancy caused by resignation of Judge Gookins. Judge Hanna was elected at the next regular election and served until January 3, 1865. He died January 15, 1871.
James L. Worden	Appointed January 16, 1858, to fill the vacancy caused by the resignation of Judge Stuart. Horace P. Biddle had been elected in the fall of 1857, but Governor Willard refused to issue him a commission. Biddle brought mandamus proceedings against the governor, but the Supreme Court decided (January 15, 1858) in favor of the governor and on the following day he appointed James L. Worden. Judge Worden was elected at the next election and served until January 3, 1865; he later served on the Supreme bench from January 3, 1871, until he resigned December 2, 1882, to become judge of the Superior court of Allen county.
James S. Frazer	January 3, 1865-January 3, 1871.
John T. Elliott	January 3, 1865-January 3, 1871.
Charles A. Ray	January 3, 1865-January 3, 1871.
Robert C. Gregory	January 3, 1865-January 3, 1871.
John Pettit	January 3, 1871-January 1, 1877.
Alexander C. Downey	January 3, 1871-January 1, 1877.
Samuel H. Buskirk	January 3, 1871-January 1, 1877.

Andrew L. Osborn_____Appointed by Governor Baker in December 187_ upon the organization of the Fifth Supreme Court district. Judge Osborn served until January 1875. The act of December 16, 1872, reduced the Supreme Court to five members.

Horace P. Biddle_____January 4, 1875-January 3, 1881.

Samuel Perkins_____January 1, 1877; died in office December 17, 1879.

William E. Niblack____January 1, 1877-January 7, 1889.

George V. Howk_____January 1, 1877-January 7, 1889.

John T. Scott_____Appointed December 29, 1879, to fill the vacancy caused by the death of Judge Perkins. Judge Scott served until January 5, 1881.

Byron K. Elliott_____January 3, 1881-January 2, 1893.

William A. Woods_____January 3, 1881; resigned May 8, 1883, to become United States District judge.

William H. Coombs____Appointed December 2, 1882, to fill the vacancy caused by the resignation of Judge Worden.

Allen Zollars_____January 1, 1883-January 7, 1889.

Edwin P. Hammond____Appointed May 14, 1883, to fill the vacancy caused by the resignation of Judge Woods. Judge Hammond served until January 6, 1885.

Joseph A. S. Mitchell___January 6, 1885; died in office on December 12, 1890.

Silas D. Coffey_____January 7, 1889-January 7, 1895.

Walter Olds_____January 7, 1889; resigned June 15, 1893, to engage in the practice of law at Chicago.

John G. Berkshire_____January 17, 1889; died in office February 19, 1891.

Robert West McBride__Appointed December 17, 1890, to fill the unexpired term of Judge Mitchell and served until January 2, 1893. McBride had been defeated by Mitchell in the November, 1890, election.

John D. Miller_____Appointed February 25, 1891, to fill the unexpired term of Judge Berkshire, and served until January 2, 1893.

Leonard J. Hackney____January 2, 1893-January 2, 1899.

James McCabe_____January 2, 1893-January 2, 1899.

Timothy E. Howard___January 2, 1893-January 2, 1899.

Joseph S. Dailey_____Appointed July 25, 1893, to fill the unexpired term of Judge Olds, and served until January 7, 1895.

James H. Jordan_____January 7, 1895; died in office April 10, 1912.

Leander L. Monks_____January 7, 1895-January 7, 1913.

Alexander Dowling____January 2, 1899-January 2, 1905.

John V. Hadley_____January 2, 1899-January 2, 1911.

Francis E. Baker_____January 2, 1899; resigned January 25, 1902, to become United States Circuit Judge.

John H. Gillett_____Appointed January 25, 1902, to fill the unexpired term of Judge Baker. Judge Gillett was also elected and served until January 1, 1909.

Oscar H. Montgomery__January 2, 1905; January 2, 1911.

Quincy A. Myers_____January 4, 1909; January 4, 1915.
John W. Spencer_____Appointed April 15, 1912, to fill the vacancy caused by the death of Judge Jordan and elected in fall of 1912 for a full term of six years.
Douglas Morris_____January 2, 1911.
Charles E. Cox_____January 2, 1911.
R. K. Erwin_____January 6, 1913.
Moses B. Lairy_____January 4, 1915.

SUPREME COURT REPORTERS.

The office of Supreme court reporter was not recognized during the period of the old Constitution (1816-1852), either by the Constitution itself or by statute. However, Isaac Blackford, one of the Supreme judges, took it upon himself to report the most important decisions of the court and the eight volumes of his decisions, covering the period from 1817 to 1848, are cited as "Blackf". Blackford issued all of these volumes on his own responsibility without official authorization, and it was charged by his political opponents in 1852, when he was a candidate to succeed himself, that he had made a comfortable fortune out of the sale of these reports. For some reason Blackford discontinued his reports with the edition of 1848, although he remained on the bench until January 3, 1853.

Thomas L. Smith was on the bench with Blackford from 1847 to 1853, and it appears that both Blackford and Smith prepared a volume covering the decisions of 1848 without either disclosing the knowledge to the other. Before Blackford had his volume ready Smith issued his, much to the surprise, if not to the displeasure, of Blackford. As a result, Blackford was piqued and to such a degree that he never attempted to issue another volume during his remaining five years on the bench. Judge Smith issued only one volume of decisions, which covered the years 1848 and 1849.

The Constitution of 1852 expressly provided that "no judge shall be allowed to report the decisions" (Art. VII, Sec. 6). This provision was directed at Judge Blackford. The Legislature subsequently provided for a reporter of the Supreme court, to be elected by the voters of the state. The office was first placed on a salary of $800 and has been raised from time to time, until the act of February 9, 1903, fixed

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the salary at $5,000. The first reporter elected under this statute was Horace E. Carter, who took the office in the fall of 1852 and at once began to prepare for publication all of the decisions which had been handed down since Blackford issued his last volume in 1848. Before Carter had the work completed beyond 1851, he died and it was left to his successor, Albert G. Porter, to report the decisions from 1851 to 1857.

There have been fifteen reporters since 1852 and all of them have been well qualified for the office. In the list may be seen one President of the United States, one governor of Indiana, three United States Senators, one Appellate Judge and practically all of the rest have held other responsible official positions. There is only one notable incident in the history of the office since it has been established and that is concerned with Benjamin Harrison. He was elected reporter in the fall of 1860 for the regular term of four years, but, before the expiration of his term he was commissioned (August 7, 1863) colonel of an Indiana regiment. He did not resign his office as reporter, but left a deputy in charge, while he himself went to the front. In the fall of 1863 the Democrats, going on the theory that Harrison's acceptance of a military commission created a vacancy in the office of Supreme court reporter, elected Michael C. Kerr to the office. Kerr was compelled to bring suit to establish his claim to the office and the court held that Harrison's acceptance of the commission of colonel automatically left the office open. Harrison defended his right to retain the office on the ground that the act passed by the Legislature in 1861, which authorized all township and county officials to retain their offices, in case they enlisted for military service, applied to state officers as well. The Supreme court of the state, however, decided that this act was unconstitutional and Harrison was compelled to surrender the office to Kerr. In the fall of 1864 Harrison was again elected and served a full term of four years.

The following table exhibits the reporters of the Supreme court, the number of volumes each reported, how they are cited and the years covered by each reporter:

REPORTERS OF THE SUPREME AND APPELLATE COURTS.

Isaac Blackford, Sept. 17, 1817-1847
Horace E. Carter_____1852-53
Albert G. Porter _____1853-56
Gordon Tanner _____1857-61
Benjamin Harrison _____1861-63
Michael C. Kerr_____1863-64
Benjamin Harrison _____1864-69
James B. Black_____1869-77
Augustus N. Martin_____1877-81
Francis M. Dice_____1881-85
John L. Griffiths_____1889-93
Sidney R. Moon_____1893-97
Charles F. Remy_____1897-1905
George W. Self_____1905-13
Philip Zoercher _____1913

SUPREME COURT REPORTS.

Reporters	Vols.	How Cited	Period Covered
Blackford, Isaac	8	Blackf	1817-48
Smith, T. L.	1	Smith (Ind.)	1848-49
Carter, Horace E.	2	(1-2 Ind.)	1848-51
Porter, Albert G.	5	(3-7 Ind.)	1851-56
Tanner, Gordon	7	(8-14 Ind.)	1856-60
Harrison Benjamin	3	(15-17 Ind.)	1860-61
Kerr, Michael C.	5	(18-22) Ind.	1861-64
Harrison, Benjamin	7	(23-29) Ind.	1864-68
Black, James B.	24	(30-53) Ind.	1868-77
Martin, A. N.	17	(54-70) Ind.	1877-80
Dice, F. M.	29	(71-99) Ind.	1880-85
Kern, John W.	17	(100-116) Ind.	1885-89
Griffith, John L.	16	(117-132) Ind.	1889-93
Moon, Sidney R.	11	(133-144) Ind.	1893-96
Remy, Charles F.	18	(145-162) Ind.	1896-1905
Self, George W.	14	(113-176) Ind.	1905-13
Zoercher, Philip	7	(177-183) Ind.	1913

CLERKS OF THE SUPREME AND APPELLATE COURTS.

Ebenezer McDonald _____1817-20
Henry P. Coburn_____1820-52
William B. Beach_____1852-60
John P. Jones_____1860-64
Lazarus Noble _____1864-68
Theodore W. McCoy_____1868-72
Charles Scholl _____1872-76
Gabriel Schmuck _____1876-80
Daniel Royse _____1880-81
Jonathan W. Gordon _____1881-82
Simon P. Sheerin_____1882-86
William T. Noble_____1886-90
Andrew M. Sweeney _____1890-94
Alexander Hess _____1894-98
Robert A. Brown _____1898-1907
E. V. Fitzpatrick _____1907-11
J. Fred France _____1911

DIGESTS, CITATIONS AND TABLES OF CASES OF SUPREME COURT.

Author	*Vols.*	*Reports Digested*	*Period Covered*
Conover, J. F.	1	1 Blackf.	1817-26
Gilman, C.	1	1 to 4 Blackf.	1817-38
Perkins, S. E.	1	1 Blackf. to 7 Ind.	1817-56

Author	*Vols.*	*Reports Digested*	*Period Covered*
Davis, E. A.	1	1 Blackf. to 16 Ind.	1817-61
Davis, E. A. 2d ed.	2	1 Blackf. to 16 Ind.	1817-61
Davis, E. A. new ed.	2	1 Blackf. to 46 Ind.	1817-71
Abbott, B. V.	2	1 Blackf. to 35 Ind.	1817-71
Ripley, W. H.	2	1 Blackf. to 73 Ind.	1817-81
Black, J. B.	1	73 to 114 Ind.	1881-88
Burns, H., Index	2	1 Blackf. to 70 Ind.	1817-80
Burns, H., New Index	2	1 Blackf. to 100 Ind.	1817-85
Burns, H., Index-Digest	1	1 Blackf. to 126 Ind.	1817-91
Woollen, W. W., Digest	2	(73 to 140 Ind. (1 to 12 Ind. App.)	1881-96
Thompson, J. W., Table of Cases Cited, etc.	2	1 Blackf. to 118 Ind.	1817-89
Thompson, J. W., (New Citations)	1	(1 B. to 135 Ind.) (1 to 7 Ind. App.)	1818-95
Wollen, W. W., Topical Annotations	1	(1 B. to 129 Ind.) (1 to 3 Ind. App.)	1818-92
King & Leonard's Citations		(1 B. to 136 Ind.) (1 to 8 Ind. App.) Dublin, Tex.	1895
Thompson, J. W., Supplement to the 1895 edition of King & Leonard's Citations	1	(156-166 Sup. Court) (25-38 App. Court)	
The Indiana Digest of Sup. & App. Cts. compiled by West Pub. Co.	12	(Sup. Ct. 1817-1910) (App. Ct. 1891-1910)	1817-1910
Burns, Harrison, Digest of Sup. & App. Cts.	3		1817-1905
Remy, Charles F., Digest of Indiana Decisions	1	(Sup. 140-157) (App. 12-27)	1895-1902
Ewbank, Louis B., Cumulative Indiana Digest and Notes to Statutes		(Sup. Ct. 140-157) (App. Ct. 12-27)	1906-1916

CHAPTER XI.

Minor Courts—1852-1916.

CIRCUIT COURTS.

The Circuit court was provided for by the Constitution of 1851, but it was constituted, established, and its jurisdiction defined, by statute. The Constitution limits each Circuit court to one Judge, but the General Assembly is directed to define the circuit. The Constitution provides that the Judge shall preside in his circuit, and be elected by the voters for a term of six years, but the General Assembly fixes his salary and may confer upon him new powers, even though they be extra-judicial. The Constitution goes so far as to permit the General Assembly to direct a Judge to hold court on a circuit other than his own. The Constitution permits a Circuit Judge to be removed from office for cause and the General Assembly, by act of March 8, 1897, has directed that this be done by the attorney-general, proceeding on information before the Supreme court.

There are ninety-two of these courts, one for each county, The official name is "———— Circuit court," filling the blank with the name of the county. The General Assembly fixes the time for holding court and the place, by consent and custom, is the county seat.

The jurisdiction of this court, as laid down by the act of April 7, 1881, is as follows: "Said court shall have original exclusive jurisdiction in all cases at law and equity whatsoever, and in criminal cases and actions for divorce, except where exclusive or concurrent jurisdiction is, or may be conferred by law upon justices of the peace. It shall also have exclusive jurisdiction of the settlement of decedents' estates and of guardianships; *Provided, however,* that in counties in which Criminal or Superior courts exist or may be organized, nothing in this section shall be construed to deprive such

courts of the jurisdiction conferred upon them by law, and it shall have such appellate jurisdiction as may be conferred by law, and it shall have jurisdiction of all other causes, matters and proceedings where exclusive jurisdiction thereof is not conferred by law upon some other court, board of office."

This grant, it will be noticed, covers completely the jurisdiction formerly granted to the Common Pleas courts, which were abolished by the act of March 6, 1873. All matters pending in the latter courts were transferred to the Circuit courts at the time of their abolishment. The Circuit court formulates its own rules, limited only by the law of the state and the prescription of the Supreme court. No comment is necessary on the extent of this grant of jurisdiction, nor is it necessary to point out that the great bulk of the litigation of the state is carried on in their courts. These Circuit courts are the general forum of the people for all trials of cases at law.

No discussion of the procedure in the Circuit courts will be entered into here further than to note the general limitations laid down by the act of 1881 and amended in 1911: "There shall be no distinction in pleading and practice between actions at law and suits in equity; and there shall be but one form of action for the enforcement or protection of private rights and the redress of private wrongs, which shall be denominated a civil action. All courts which are vested with jurisdiction both in law and equity, may, to the full extent of their respective jurisdictions, administer legal and equitable remedies, in favor of either party, in one and the same suit, so that the legal and equitable rights of the parties my be enforced and protected in one action."

The reason for this sweeping statute is to be found in the history of the state during the period immediately preceding the adoption of the Constitution of 1851. It is to be taken in connection with the constitutional provision which permits "every person of good moral character beng a voter" to be admitted to the bar and to practice law in all courts of justice. It smacks of the time when twenty-two per cent of the grown persons of the state were illiterate and when Indiana stood below all the Northern states in point of the general literacy of the people.

Upon the adoption of the present Constitution the whole judicial system of the state was revised. Under the Constitution of 1816 the Circuit Judges had been elected by the Legislature for a term of seven years; under the Constitution of 1851 provision was made for their election for a term of six years by the qualified voters of each circuit. The old Probate court was abolished in 1852 and its jurisdiction placed in a Common Pleas court. The Common Pleas court also handled certain kinds of cases which had previously been under the exclusive jurisdiction of the Circuit court. An extended discussion of the work of the Common Pleas court will be given later, but it should be mentioned that it did not prove an altogether satisfactory tribunal of justice.

The Legislature, with the act of June 17, 1852, divided the state into ten judicial circuits, the number of counties in each circuit ranging from seven to thirteen. By 1873 when the whole state was recircuited, there were twenty-eight circuits, eight of which were criminal circuits.

The term "county courts" does not exactly fit these courts, a Circuit court being not strictly a "county court," but, rather, as its name indicates, a court made up of one or more counties. Historically speaking, a "county court" is one that transacts county business both of a judicial and administrative nature. Under the old Constitution the Associate Judges held "county courts." The present Circuit Court Judge has very little of the functions of those old Associates. Most of their duties have gone to the board of county commissioners. Indiana, since the act of February 22, 1915, has sixty-seven judicial circuits in each of which there is elected a Judge and a prosecuting attorney. Each county in the state has its Circuit court denominated by the name of the county, as "Perry Circuit court". The same Judge presides over all the Circuit courts in his district, whether it be composed of one, two or three counties. For some reason which has never been explained, there is no Fifty-ninth circuit. In creating Circuit courts new groupings of counties frequently require a new number for the newly created circuit. Sometimes bills for the creation of two or more circuits are pending at the same time. Some pass, others fail. Numbers are, therefore, sometimes skipped. At one time there were three vacancies. Two were

afterwards used in the creation of other circuits, so that at the present time the fifty-ninth is the only vacancy. Jay county was constituted the sole county of the Fifty-eight judicial circuit, March 1, 1897, and on the same day the Legislature created St. Joseph county as the Sixtieth judicial circuit.

A detailed study of the acts of the Legislature from June 17, 1852, to February 22, 1915, shows that there have been one hundred and eighty-two changes in the judicial circuits of this state since it was first divided into ten circuits on June 17, 1852. This refers only to the circuits of the Circuit court and does not include Common Pleas, Criminal or Superior court circuits. There have been only five sessions of the Legislature since 1852 in which a new circuit has not been organized or one or more old circuits re-organized. Politics has often played a prominent part in the establishment of these circuits and it has been said that there have been times when some counties were not attached to any circuit for a short time.

As the sixty-seven judicial circuits are now (1916) arranged, there are forty-five composed of single counties, nineteen of two counties, and three of three counties. The first circuiting after the new Constitution was adopted divided the whole state into ten circuits; the Legislature of 1915 organized the Sixty-seventh circuit. The following table exhibits the dates of the organization of each circuit since 1852, the re-organization of circuits and the counties in each circuit:

JUDICIAL CIRCUITS OF INDIANA, 1852-1916.

JUNE 17, 1852.

1st Circuit—Ripley, Jennings, Jefferson, Switzerland, Ohio, Brown, Bartholomew.
2nd Circuit—Lawrence, Jackson, Orange, Washington, Scott, Clark, Floyd, Harrison, Crawford.
3rd Circuit—Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburg, Warrick, Spencer, Crawford, Perry.
4th Circuit—Dearborn, Franklin, Decatur, Shelby, Rush, Fayette, Union.
5th Circuit—Johnson, Hendricks, Marion, Hancock, Hamilton, Tipton, Madison.
6th Circuit—Sullivan, Greene, Monroe, Owen, Clay, Vigo, Putnam, Morgan.
7th Circuit—Wayne, Randolph, Henry, Delaware, Jay, Blackford, Grant,

8th Circuit—Parke, Vermillion, Montgomery, Boone, Fountain, Warren, Benton, Tippecanoe, Clinton, Jasper.
9th Circuit—Lake, Laporte, Porter, St. Joseph, Marshall, Starke, Fulton, Carroll, Howard, Pulaski, White, Cass, Miami.
10th Circuit—Adams, Wells, Huntington, Wabash, Whitley, Allen, Noble, DeKalb, Lagrange, Steuben, Elkhart, Kosciusko.

JANUARY 21, 1853.

11th Circuit—Grant, Huntington, Wabash, Miami, Howard, Cass, Carroll, White.
7th Circuit—Wayne, Randolph, Henry, Delaware, Jay, Blackford.
9th Circuit—Lake, Laporte, Porter, St. Joseph, Marshall, Starke, Fulton, Pulaski, Jasper.
10th Circuit—Adams, Wells, Whitley, Allen, Noble, DeKalb, Lagrange, Steuben, Elkhart, Kosciusko.
8th Circuit—Parke, Vermillion, Montgomery, Boone, Fountain, Warren, Benton, Tippecanoe, Clinton.

FEBRUARY 9, 1855.

12th Circuit—Benton, Jasper, White, Tippecanoe (and Newton after December 9, 1859, when it was organized).
11th Circuit—Grant, Huntington, Wabash, Miami, Howard, Cass, Carroll.
9th Circuit—Lake, Laporte, Porter, St. Joseph, Marshall, Starke, Fulton, Pulaski.
8th Circuit—Parke, Vermillion, Montgomery, Boone, Fountain, Warren, Clinton.
13th Circuit—Henry, Wayne, Randolph, Jay.
7th Circuit—Delaware, Blackford.

FEBRUARY 1, 1859.

7th Circuit—Delaware, Blackford, Hancock, Madison, Hamilton, Tipton, Howard.
5th Circuit—Johnson, Hendricks, Marion.
11th Circuit—Grant, Huntington, Wabash, Miami, Cass, Carroll.

FEBRUARY 22, 1859.

15th Circuit—Posey, Vanderburg, Warrick, Spencer, Perry, Crawford.
2nd Circuit—Lawrence, Jackson, Orange, Washington, Scott, Clark, Floyd, Harrison.
3rd Circuit—Knox, Daviess, Martin, Gibson, Pike, Dubois.

FEBRUARY 11, 1867.

17th Circuit—Madison, Hamilton, Tipton, Howard.
7th Circuit—Delaware, Henry, Hancock, Grant.
13th Circuit—Wayne, Randolph, Jay, Blackford.

MARCH 1, 1867.

18th Circuit—Parke, Vermilion, Sullivan, Vigo.
8th Circuit—Montgomery, Boone, Fountain, Warren, Clinton.
6th Circuit—Greene, Monroe, Owen, Clay, Putnam, Morgan.

FEBRUARY 20, 1867.

14th Circuit—Elkhart, Lagrange, Steuben, DeKalb, Noble, Kosciusko.
10th Circuit—Adams, Wells, Whitley, Allen.
11th Circuit—Carroll, Cass, Miami, Wabash, Huntington.

APRIL 29, 1869.

5th Circuit—Hendricks, Marion.

MAY 5, 1869.

28th Circuit—Johnson, Shelby, Bartholomew, Brown.
1st Circuit—Ripley, Jennings, Jefferson, Switzerland.
4th Circuit—Decatur, Rush, Fayette.

APRIL 22, 1869.

26th Circuit—Union, Franklin, Dearborn, Ohio.

MAY 3, 1869.

10th Circuit—Huntington, Adams, Allen, Wells, Whitley.
11th Circuit—Carroll, Cass, Miami, Wabash.

DECEMBER 14, 1872.

22nd Circuit—Miami, Huntington, Wabash.
10th Circuit—Adams, Allen, Wells, Whitley.
11th Circuit—Carroll, Cass.

DECEMBER 21, 1872.

3rd Circuit—Knox, Daviess, Martin, Gibson, Vanderburg, Posey.
15th Circuit—Warrick, Spencer, Perry, Crawford.

MARCH 6, 1873.

1st Circuit—Vanderburg, Posey.
2nd Circuit—Warrick, Spencer, Perry, Crawford.
3rd Circuit—Harrison, Washington, Jackson.
4th Circuit—Floyd, Clark.
5th Circuit—Jefferson, Scott.
6th Circuit—Jennings, Ripley, Switzerland.
7th Circuit—Dearborn, Ohio.
8th Circuit—Fayette, Rush, Decatur.
9th Circuit—Bartholomew, Brown.
10th Circuit—Orange, Lawrence, Monroe.
11th Circuit—Gibson, Pike, Dubois.
12th Circuit—Knox, Daviess, Martin.
13th Circuit—Putnam, Clay.

14th Circuit—Vigo, Sullivan.
15th Circuit—Morgan, Owen, Greene.
16th Circuit—Johnson, Shelby.
17th Circuit—Wayne.
18th Circuit—Henry, Hancock.
19th Circuit—Marion, Hendricks.
20th Circuit—Boone, Clinton.
21st Circuit—Warren, Vermillion, Fountain.
22nd Circuit—Montgomery, Parke.
23rd Circuit—Tippecanoe, White.
24th Circuit—Hamilton, Madison.
25th Circuit—Delaware, Randolph.
26th Circuit—Wells, Adams, Jay.
27th Circuit—Wabash, Miami.
28th Circuit—Huntington, Grant, Blackford.
29th Circuit—Cass, Carroll.
30th Circuit—Benton, Jasper, Newton, Pulaski.
31st Circuit—Lake, Porter, Starke.
32nd Circuit—Laporte, St. Joseph.
33rd Circuit—Marshall, Kosciusko, Fulton.
34th Circuit—Elkhart, Lagrange.
35th Circuit—Steuben, DeKalb, Noble.
36th Circuit—Tipton, Howard.
37th Circuit—Franklin, Union.
38th Circuit—Allen, Whitley.

MARCH 5, 1875.

23rd Circuit—Tippecanoe.
30th Circuit—Benton, Newton, Jasper.
39th Circuit—Carroll, White, Pulaski.

MARCH 9, 1875.

38th Circuit—Allen.
33rd Circuit—Kosciusko, Whitley.
41st Circuit—Marshall, Fulton.

MARCH 3, 1877.

2nd Circuit—Warrick, Spencer, Perry.
3rd Circuit—Harrison, Crawford.
42nd Circuit—Jackson, Washington.

MARCH 15, 1877.

23rd Circuit—Tippecanoe.
29th Circuit—Cass, Pulaski.
30th Circuit—Benton, Newton, Jasper.
39th Circuit—Carroll, White.

MARCH 7, 1879.

5th Circuit—Jefferson, Switzerland.
6th Circuit—Ripley, Jennings, Scott.

MARCH 8, 1879.

10th Circuit—Monroe, Lawrence, Orange, Martin.
12th Circuit—Knox, Daviess.

MARCH 21, 1879.

40th Circuit—Steuben, DeKalb (this act provided that the circuit thus formed should continue only until October 1, 1880, when DeKalb and Steuben were to become a part of the 35th circuit).

MARCH 31, 1881.

11th Circuit—Dubois, Gibson, Pike.

APRIL 4, 1881.

29th Circuit—Cass.

APRIL 8, 1881.

31st Circuit—Lake, Porter, Starke, Pulaski.

FEBRUARY 20, 1883.

14th Circuit—Greene, Sullivan.
15th Circuit—Morgan, Owen.
43rd Circuit—Vigo.

FEBRUARY 24, 1883.

31st Circuit—Lake, Porter.
44th Circuit—Pulaski, Starke.

MARCH 2, 1883.

20th Circuit—Boone.
45th Circuit—Clinton.
8th Circuit—Rush, Decatur.
37th Circuit—Franklin, Fayette, Union.

FEBRUARY 25, 1885.

21st Circuit—Fountain, Warren.
22nd Circuit—Montgomery.
47th Circuit—Vermillion, Parke.

MARCH 3, 1885.

26th Circuit—Adams, Jay.
28th Circuit—Huntington, Wells.
48th Circuit—Grant, Blackford.

MARCH 5, 1885.

25th Circuit—Randolph.
46th Circuit—Delaware.

APRIL 2, 1885.

12th Circuit—Knox.
49th Circuit—Daviess, Martin.
10th Circuit—Monroe, Lawrence, Orange.

FEBRUARY 14, 1889.

24th Circuit—Hamilton.
50th Circuit—Madison.

FEBRUARY 16, 1889.

27th Circuit—Wabash.
51st Circuit—Miami.

FEBRUARY 22, 1889.

18th Circuit—Hancock.
53rd Circuit—Henry.

FEBRUARY 23, 1889.

52nd Circuit—Floyd.
4th Circuit—Clark.

FEBRUARY 28, 1889.

19th Circuit—Marion.
55th Circuit—Hendricks.

MARCH 1, 1889.

33rd Circuit—Noble, Whitley.
35th Circuit—DeKalb, Steuben.
54th Circuit—Kosciusko.

MARCH 6, 1889.

42nd Circuit—Jackson, Washington, Orange.
10th Circuit—Lawrence, Monroe.

FEBRUARY 4, 1891.

5th Circuit—Jefferson.
7th Circuit—Dearborn, Ohio, Switzerland.

MARCH 7, 1891.

11th Circuit—Dubois, Gibson, Pike.

MARCH 4, 1893.

5th Circuit—Jefferson abolished as 5th Circuit, and united with Clark in 4th Circuit; act declared unconstitutional by Supreme court.
28th Circuit—Wells, Blackford.
48th Circuit—Grant.
56th Circuit—Huntington.

MARCH 8, 1895.

1st Circuit—Vanderburg.
11th Circuit—Gibson, Posey.
57th Circuit—Pike, Dubois.

JANUARY 30, 1897.

32nd Circuit—Laporte.
60th Circuit—St. Joseph.

FEBRUARY 24, 1897.

5th Circuit—Jefferson, Switzerland.
7th Circuit—Dearborn, Ohio.

MARCH 1, 1897

(Passed over Governor's veto)

26th Circuit—Adams.
58th Circuit—Jay.

FEBRUARY 24, 1899.

21st Circuit—Fountain, Warren, Benton.
30th Circuit—Newton, Jasper.

FEBRUARY 28, 1899.

9th Circuit—Bartholomew, Decatur.
16th Circuit—Rush, Shelby.
8th Circuit—Johnson, Brown.

MARCH 3, 1903.

2nd Circuit—Spencer, Warrick.
3rd Circuit—Harrison, Crawford, Perry.

MARCH 10, 1903.

Act providing for juvenile court in counties containing cities of 100,000 population or over. This restricts the creation of Juvenile Judges to Indianapolis.

MARCH 3, 1905.

21st Circuit—Warren, Benton.
61st Circuit—Fountain (Governor to appoint judge).

MARCH 11, 1905.

61st Circuit—Jackson and Scott (the Legislature was in error in constituting Jackson and Scott the 61st circuit and the mistake was rectified by the succeeding Legislature, when it constituted the two counties as the 40th circuit).

FEBRUARY 13, 1907.

40th Circuit—Jackson, Scott (there was no 40th circuit from 1880 to 1907).
6th Circuit—Ripley, Jennings.
42nd Circuit—Washington, Orange (the act of February 13, 1907, did not specifically mention that Ripley and Jennings were to constitute the 6th and Washington and Orange the 42nd).

MARCH 1, 1909.

36th Circuit—Tipton (from and after March 16).
62nd Circuit—Howard.

FEBRUARY 16, 1911.

14th Circuit—Sullivan (the Governor was to appoint a judge for the [illegible]
63rd Circuit—Greene (the judge of the old 14th was to be the judge of the newly created 63rd circuit).

FEBRUARY 24, 1911.

47th Circuit—Parke, Vermillion.

FEBRUARY 27, 1911.

13th Circuit—Clay (the judge of the old 13th was to remain on the bench of the newly created 13th).
64th Circuit—Putnam (Governor to appoint judge for 64th).

MARCH 4, 1911.

6th Circuit—Ripley, Jennings and Scott.
10th Circuit—Monroe, Owen.
15th Circuit—Morgan.
40th Circuit—Lawrence, Jackson.

JANUARY 29, 1913.

16th Circuit—Shelby.
65th Circuit—Rush.
11th Circuit—Posey.
66th Circuit—Gibson.

FEBRUARY 24, 1913.

31st Circuit—Lake.
67th Circuit—Porter.

MARCH 14, 1913.

8th Circuit—Brown, Johnson.

FEBRUARY 22, 1915.

47th Circuit—Vermillion (the Judge of the old 47th sat on the bench).
68th Circuit—Parke (the Governor to appoint a judge for the newly created 68th).

CIRCUIT JUDGES.

The following is an alphabetical list of all the circuit judges of the state who have served since 1852. The numbers of the circuits to which the judges were attached are given preceding their names.

Circuits.	Judges.	Tenure.
20	Abbott, John A.	1888-90
33	Adair, Joseph W.	1888-1908
19	Adams, Joshua G.	1878-84
47	Aikman, Barton S.	1910-16
19	Allen, Henry C.	1896-1908
5	Allison, James Y.	1873-84
42	Alspaugh, David M.	1898-1900
7	Anthony, Joseph	1852-58
20	Artman, Samuel R.	1902-08
19	Ayres, Alexander C.	1884-88
50	Bagot, Charles K.	1908-14
7	Bainbridge, William H.	1885-91
3	Baker, John	1864-70
28	Banta, David D.	1870-76
53	Barnard, William O.	1898-1902
67	Bartholomew, Alvin D.	1913-14
6	Batchelor, Thomas C.	1888-94
5	Bear, Perry E.	1897-1903
44	Beeman, George W.	1896-1902
1, 6	Berkshire, John G.	1864-1882
41	Bernetha, Harry	1902-14
21	Berry, Barton S.	1912-18
14, 35	Best, James I.	1872-76
2, 52	Bicknell, George A.	1852-76; 1889-91.
11	Biddle, Horace P.	1860-72

Circuits. Judges. Tenure.
32—Biddle, William P.——1897-98
54—Biggs, Hiram S.——1896-1904
16—Blair, Alonzo ——1910-16
1—Blakely, William M.——1912
8—Bonner, Samuel O.——1876-89
26—Bobo, James R. ——1877-89
12—Borden, James W.——1841-51
54—Bowser, Francis ——1908-20
56—Branyan, James C.——1900-06
35—Bratton, Emmett A.——1904-10
57—Bretz, John L.——1908-20
14—Bridwell, William H.——1911-18
14—Briggs, John C.——1888-94
55—Brill, George W. ——1912-18
22—Britton, William P.——1879-85
17—Brouse, Henry A.——1867
19—Brown, Edgar A. ——1890-96
51—Brown, James M. ——1889-90
11—Brownlee, John ——1854
8—Bryant, William P. ——1852-58
8, 16—Buckingham, William J. ——1894-1906
7—Buckles, Joseph S. ——1858-70
14—Buff, George W.——1882-88
53—Bundy, Eugene ——1889-96
3—Burke, Michael F. ——1858-64
44—Burson, George ——1884-96
42—Buskirk, Thomas B.——1906-12
23—Caldwell, James S.——1914-20
41—Capron, Albertus C.—1890-1902
52—Cardwell, George B.——1892
6, 10—Carlton, Ambrose B.—1856-73
9—Carr, Nathan T. ——1879-85
48—Carroll, William H.——1885-86
38—Carson, William Dudley—1875-76
1—Chapman, Joseph W.——1858-64
11, 29—Chase, Dudley H.—1872-84; 1896-1902.
25—Cheney, John J.——1873
50—Chipman, Marcellus A.—1889-90
24—Christian, Ira W.——1902-09
55—Clark, James L.——1906-12
45—Claybaugh, Joseph ——1902-08
6—Claypool, Solomon ——1857-64
11—Clements, Herdis F.——1909-21
24—Cloe, Ernest E.——1915-21

Circuits. Judges. Tenure.
12—Cobb, Orlando H.—— 1906-12
5—Coburn, John ——1865-66
55—Cofer, Thomas J.——1898-1906
13—Coffey, Silas D.——1881-88
51—Cole, Charles A.——1914-20
13, 25—Colgrove, Silas ——1865-71; 1873-79.
42—Collins, Thomas L.——1877-90
13—Colliver Pressly O.——1900-06
45—Combs, Joseph ——1908-20
17—Comstock, Daniel W.——1885-96
41—Conner, Isaiah ——1884-90
25—Conner, James D.——1885-94
3—Cook, Christ W. ——1897-1900
56—Cook, Samuel E.——1906-18
41—Corbin, Horace ——1875-76
8—Cowan, John M. ——1858-70
51—Cox, Jabez T. ——1890-1902
24—Cravens, Hervey ——1873-79
5, 29—Cravens, John R.——1873
6—Creigmile, Robert A.——1912-18
4—Cullen, William A.——1871-76
15—Cumming, Ambrose ——1882-88
48—Custer, Joseph L. ——1892-98
39—Dailey, Barnard B.——1875-76
28—Dailey, Joseph S.——1888-92
30—Darroch, William ——1896
9—David, Albert G.——1857
17—Davis, John ——1867-74
4—Davis, John S. ——1876-80
8, 21—Davidson, Thomas F.—1870-82
10—Dawson, Reuben J.——1858
1—DeBruler, Curran A.——1908-12
23—De Hart, Richard P.——1901-14
3—Denbo, George W.——1879
58—Denny, Jacob F.——1915-16
3—Denny, James C.——1864
8—Denpree, William E.——1906-18
34—Dodge, James S.——1904-10
1, 7—Downey, Alexander C.—1852-58; 1891-97.
7—Downey, George E.——1903-12
45—Doyal, Samuel H.——1890-96
34—Drake, James S.——1910-16
10—Duncan, Henry C.——1890
5—Dye, John T. ——1866

Circuits.	Judges.	Tenure.
6	Eckles, Delana R.	1864-70
38	Eggeman, John W.	1912-18
28	Eichorn, William H.	1912-18
36	Elliott, James F.	1902-08
13	Elliott, John T.	1855-65
46	Ellis, Frank	1910-16
50	Ellison, Alfred	1890-96
57	Ely, Eugene A.	1895-1908
3	Emerson, Frank	1873
25	Engle, James S.	1908-14
26	Erwin, Richard K.	1901-07
19	Ewbank, Lewis B.	1914-20
8	Ewing, James K.	1893-94
42	Farrell, William	1890; 1900-06.
18	Felt, Edward W.	1900-06
4	Ferguson, Charles P.	1880-92
34	Ferrall, Joseph D.	1900-04
31	Field, Elisha C.	1878-89
5	Finch, Fabius M.	1859-65
18	Forkner, Mark E.	1881-88
43	Fortune, Charles W.	1908-14
4	Fortune, James W.	1914-20
5	Francisco, Hiram	1903-15
6	Franklin, William M.	1870-76
54	Frazer, James S.	1889-90
5	Friedly, William T.	1884-97
60	Funk, Walter A.	1900-18
17	Fox, Henry C.	1896-1920
29	Gamble, George A.	1902
32	Gallaher, James F.	1910-16
53	Gause, Fred C.	1914-20
4	Gibson, George H. D.	1892-98
10	Giles, Joseph	1896
31	Gillet, John H.	1892-1902
31	Gillett, Hiram A.	1873-79
4, 7	Givan, Noah S.	1879-85; 1897-1903.
1	Givens, Duncan C.	1912-18
24	Goodykoontz, Eli B.	1879-85
2	Gough, Edward	1891-98
39	Gould, John H.	1876-88
37	Gray, George L.	1904-16
5	Griffith, Francis M.	1915-21
15	Grubbs, George W.	1888-1900
9	Hacker, Marshall	1892; 1904-10.
16	Hackney, Leonard J.	1888-93
19, 55	Hadley, John V.	1888-98
30	Hammond, Edwin P.	1873-83; 1890-92.
2	Handy, John B.	1876-82
30	Hanley, Charles W.	1902-20
6, 37	Hanna, Henry C.	1870-80
6	Hanna, James M.	1856-57
14	Harris, Orion B.	1900-06
35	Hartman, Ezra D.	1898-1903
22	Harvey, James F.	1891-97
7	Hauck, Warren N.	1913-20
54	Haymond, Edgar	1880-96
13	Haynes, Jacob M.	1871-77
58	Headington, John W.	1897-98
49	Hefron, David J.	1885-98
26	Heller, Daniel D.	1889-1901
14, 63	Henderson, Charles E.	1906-12
41	Hess, William B.	1883-84
52	Hester, Jacob	1892-98
9	Hester, James S.	1873-1879
20	Higgins, Barton S.	1896-1902
5	Hines, Cyrus C.	1866-70
4	Holman, William S.	1853
9	Hord, Francis T.	1892-1904
16	Hord, Kendall M.	1876-88
49	Houghton, Hileary Q.	1898-1910
3	Hovey, Alvin P.	1852-54
52	Howk, George V.	1891-92
5, 19	Howland, Livingston	1872-76
32	Hubbard, Lucius	1894-1900
6	Hughes, James	1852-56
64	Hughes, James P.	1911-18
27	Hunter, Nelson G.	1915-21
12	Ingram, Andrew	1855-57
53	Jackson, Ed.	1907-14
17	Johnson, George A.	1873
31	Johnston, William	1889-92
16	Johnston, William T.	1893-94
15	Jones, James G.	1869-70

Circuits. Judges. Tenure.
19—Julian, Jacob B.——1876-78
47—Jump, Joshua ——1885-86
45—Kent, James V.——1896-1902
17—Kibbey, John F.——1873-85
41—Kieth, Sidney ——1876-82
3—Kirkham, Robert S.——1897
36, 62—Kirkpatrick, Lex J.—1890-96; 1909-11.
9—Keyes, Nelson R. ——1885-92
46—Koons, George H.——1892-98
2—Kiper, Roscoe ——1904-10
58—Lafollette, John F. ——1904-10
15—Laird, David T. ——1870-76
29—Lairy, John S.——1902-20
29—Lairy, Moses B. ——1895-96
26—Lamb, Robert N. ——1869-70
23—Langdon, Byron W.——1888-94
46—Leffler, Joseph G.——1898-1910
61, 40—Lewis, John M.——1905-06
35—Link, Daniel M.——1914-16
4—Logan, Reuben D. ——1853-65
33—Long, Elisha V. ——1873-85
67—Loring, Hannibal H. —1914-20
46—Lotz, Orlando J. ——1885-92
10, 38—Lowry, Robert R. —1864-75
25—Macy, John W.——1902-08
5, 6—Major, Stephen ——1854-59
3, 12—Mallott, Newton F.—1870-88
25—Marsh, Albert O.——1894-1902
4—Marsh, James K.——1898-1904
10, 18—Martin, William H.—1888-94; 1896-1902.
18—Mason, Robert L.——1906-12
1—Mattison, Hamilton A. 1896-1902
35—McBride, Robert W.——1882-88
4—McCarty, William M.—1852-53
40—McClelland, Charles A. O.1879-80
50—McClure, John F.——1896-1908
29—McConnell, Dyer B.——1889-95
65—McGee, John D.——1913-15
13—McGregor, Samuel M.—1888-1900
52—McIntyre, George B. —1914-16
31—McMahan, Willis C.——1902-20
10—McMahon, Elza A.——1852-55
7—Mellett, Joshua H.——1870-76

Circuits. Judges. Tenure.
26—Merriman, James T.— 1907-13
34—Merritt, Francis D.— ——1904
8, 11—Myers, David A.— — 1898
10—Miers, Robert W.——1885; 1890-96; 1914-20.
61—Milford, Charles R ——1905-06
8—Miller, John D.— — 1894-98
43—Mock, William ——1884-90
14—Moffett, William W.— 1894-1900
25—Monks, Leander J. ——1879-94
4—Montgomery, Harry C.— 1904-14
58—Moran, James J.——1910-15
8—Morris, Douglas — 1898-1904
53—Morris, John M.——1902-07
6—Morton, Oliver P. —— 1851-52
24—Moss, David —— —— 1885-94
36—Mount, Walter W.— 1896-1902
36—Nash, Leroy B. — — 1908-12
24—Neal, John F. —— 1897-1902
20—Neal, Stephen — ——1890-96
6—New, Jeptha D.—— ——1882-88
6—New, Willard —— —1894-1906
3—Niblack, William E. —1854-59
32—Noyes, Daniel — ——1876-94
44—Nye, John C. ——1902-08
17, 36—O'Brien, James— 1871-73; 1883-84.
18—Offutt, Charles G. — 1894-1900
19—Ogden, James W. —— 1910-16
33—Olds, Walter — — — 1885-88
38—O'Rourke, Edward — 1876-1912
9—Osborn, Andrew L. — 1857-70
34—Osborn, James D.— — 1873; 1884-88
36—Overman, Nathan R. —1879-83
28—Oyler, Samuel P. 1869-70
45—Paige, Allen C. —— 1884-90
39—Palmer, Truman F. —1894-1906
20—Palmer, Truman H. —1873-79
52—Paris, John M 1916-22
15—Parks, Milton H. 1900-04
20—Parr, Willett H —— —1908-20
1, 15—Parrett, William P.— 1859-60; 1873-88.
18, 14—Patterson, Chambers Y. ——————1867-81

Circuits. Judges. Tenure.

42—Paynter, William H.____1912-18
18—Paulus, Henry J._____1898-1916
10—Pearson, Eliphalet D.__1873-79; 1885-90.
50—Pence, Luther _____1914-20
35—Penfield, William L._____1894-97
44—Pentecost, William C.__1914-20
11, 12, 22, 27—Pettit, John U. 1853-54; 1857; 1873-79
24—Pierse, Winburn R._____1873
43—Piety, James E. _____1896-1908
27—Plummer, Alfred H._____1903-15
18—Polk, Robert L._____1876-81
36—Pollard, Clark N._____1873-79
35—Powers, Stephen A._____1888-94
35—Powers, Frank M._____1910-14
43—Pulliam, Charles L._____1915-20
62—Purdum, William C._____1911-17
36—Purvis, James M._____1912-19
21—Rabb, Joseph M._____1882-1905; 1899-1906.
3—Ramsey, Samuel _____1879-85
1—Rasch, Louis O. _____1902-08
13—Rawley, John M. _____1906-18
43—Redman, Eli _____1914-15
2—Reinhard, George L._____1882-91
19—Remster, Charles _____1908-14
39—Reynolds, Alfred W._____1888-94
47—Rheuby, Gould H._____1904-09
1—Richardson, Robert D.__1889-98
32—Richter, John C._____1898-1910
3—Ridley, William _____1909-21
7—Roberts, Omer F. _____1873-79
2—Roberts, Ralph E._____1910-16
28—Robinson, Andrew L._____1869
15—Robinson, John C. _____1876-82
35—Roby, Frank S. _____1897-98
35—Rose, James D. _____1903-04
54—Royse, Lemuel W. ____1904-08
18—Sample, Earl _____1912-18
21—Saunderson, James T.__1906-12
28—Sayler, Henry B. _____1881-88
61—Schoonover, Isaac E._____1906-18
14, 43—Scott, Harvey D.__1881-82; 1883-84.
12—Shaw, George W. ____1888-1900

Circuits. Judges. Tenure.

40—Shea, Joseph H. _____1906-12
27—Shively, Harvey B. __1891-1903
25—Shockney, Theodore ____1914-20
28—Slack, James R. _____1873-81
3—Slaughter, Thomas C. __1873-79
41—Slick, Jacob S. _____1882-83
63—Slinkard, Theodore E.__1912-18
3—Smith, Ballard _____1857-58
26—Smith, David E. _____1913-19
13—Smith, Jeremiah _____1855
58—Smith, John M. _____1898-1904
22—Snyder, Edward C. ____1885-91
44—Spangler, William _____1883-84
65—Sparks, Will M. _____1904-10; 1915-21.
1—Spencer, John W. _____1858; 1911-12.
37—Springer, Raymond S.__1916-22
9, 32—Stanfield, Thomas S._1852-57; 1870-76.
24—Stephenson, Richardson_1891-97
41—Stevens, Smith N._____1914-20
48—St. John, Robert T._____1886-92
8—Study, John W._____1888-93
17—Study, Thomas G._____1896
28—Sturgis, Charles E._____1906-12
45—Suit, Joseph C._____1883-84
19—Sullivan, Thomas L._____1888
68—Sunkel, George D._____1915
40—Swails, Oren O._____1912-18
2—Swan, Elbert M. ____1898-1904
37—Swift, Ferdinand S.__1880-1904
5—Tarkington, John S._____1870-72
43—Taylor, David N. _____1890-96
23—Taylor, William C. L._1894-1901
20—Terhune, Thomas J._____1879-88
12, 16—Test, Charles H._____1857-70
22—Thomas, Albert D._____1873-79
6—Thompson, Francis M._1906-12
18—Thompson, Richard W._____1867
30—Thompson, Simon P.__1896-1902
51—Tillett, Joseph N. _____1902-14
14, 35—Tousley, Hiram S.__1867-72; 1876-82.
13—Turman, Solon _____1873-81
12—Turpie, David _____1855

Circuits.	Judges.	Tenure.
52	Utz, William	1898-1914
1	Vandever, Simon L.	1914-19
34	Van Fleet, John M.	1888-94
28	Vaughn, Edward C.	1893-1906
24	Vestal, Meade	1909-15
19, 23	Vinton, David P.	1870-88
42	Voyles, Samuel B.	1890-98
44	Vurpillat, Francis J.	1908-14
47	Wait, William C.	1910
47	Ward, Charles W.	1909-10
39	Wason, James P.	1906-18
27	Walker, Lyman	1879-85
11	Wallace, John M.	1854-60
30	Ward, Peter H.	1883-90
56	Watkins, Charles W.	1894-1900
36	Waugh, Daniel	1884-90
11	Welborn, Oscar M.	1873-1909
22	West, Jere	1897-1921
15	Whitaker, Nathan A.	1912-18
47	White, Ared F.	1886-1904
56	Whitelock, Orlando	1893-94
5	Wick, William W.	1852-54; 1859.
9	Wickens, Hugh O.	1910-16
30	Wiley, U. Z.	1892-96
15	Williams, Joseph W.	1904-12
25	Williamson, Garland D.	1894
12	Willoughby, Benjamin M.	1912-18
10	Willson, Francis	1873, 1879, 1885.
10	Willson, Samuel C.	1873
10	Wilson, James B.	1902-11
4	Wilson, Jeremiah M.	1865-71
10	Wilson, Edward R.	1858-64
34	Wilson, Henry D.	1894-1900
29	Winfield, Maurice	1884-89
4	Wolfe, Simeon K.	1880
35	Woodhull, Joseph A.	1876
34	Woods, William A.	1873-84
10	Worden, James L.	1855-58
33	Wrigley, Luke H.	1908-20
3	Zenor, William T.	1885-97

PROSECUTING ATTORNEYS.

An extended discussion has been given in Chapter VI of the prosecuting attorneys of the Circuits under the 1816 Constitution. No provision was made under the first Constitution for such an officer and it was not until 1824 that the Legislature provided for a prosecutor. Prior to that time the President Judges had appointed a prosecutor for each term of court, but this had not proved an altogether satisfactory arrangement. From 1824 to 1843 the Legislature elected a prosecutor for each judicial circuit for a term of two years. From 1843 to 1847 they were elected by the people of each circuit. In 1847 the whole system of electing prosecutors was changed and, instead of having a prosecutor for each circuit, the act of January 27, of that year provided for a prosecutor in each county, whose tenure was to be three years. Within two years it was very evident that the election of a prosecutor for each county in the state was going to be an expensive method of administering justice. Consequently, the Legislature was asked to revert to the former method of selecting

the prosecutor. The act of January 16, 1849, provided for the election of a prosecutor by the people in all the circuits of the state except the Fourth and Eighth, the tenure to be three years. The last change before the Constitution of 1851 became operative was made with the act of February 14, 1851. This act was based upon the new Constitution, which had been completed by the Constitutional convention just four days prior to its passage. The Constitution provided, in Section 11 of Article VII, for such an officer in the following words: "There shall be elected, in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years." No change has been made in the manner of electing the prosecutors since 1851 and but little change in their duties. The prosecutor is the state's attorney in all criminal cases. He must prosecute all actions to recover the penalties of bonds payable to the state; all bastardy proceedings; all undefended divorce cases; must enforce the collection of the dog tax; and all laws governing private corporations in his judicial district. A list of the prosecuting attorneys of the state since 1852 with their circuits and the dates of their service is given in the following table:

PROSECUTING ATTORNEYS, 1851-1916.

Circuits.	Prosecutor.	Tenure.
26	Adair, Oscar H.	1885-88
47	Adams, Albert M.	1904-07
34-40	Adams, George B.	1879-81
12	Adams, John C.	1886-88
19	Adams, Joshua G.	1876-78
55	Adams, Thaddeus S.	1890-92
1	Adkinson, Francis	1856-58
47	Aikman, Barton S.	1890-94
20	Adney, Roy W.	1909-11
15	Alexander, John D.	1881-85
8	Allen, James M.	1855-56
4	Allison, Warren B.	1913-17
33	Alvord, Samuel E.	1896-98
48	Amsden, William M.	1897-1902
22	Anderson, Albert B.	1886-90
51	Andrews, Claude Y.	1903-05
54	Anglin, F. Wayne	1907-09; 1913-15
30	Annabel, T. C.	1894-95
27	Antrim, Nott N.	1874-78
51	Armitage, John T.	1901-03
15	Asher, William R.	1886-88
14	Axtell, Samuel W.	1887-91
30	Babcock, Frank W.	1878-80
19	Baker, Frank P.	1911-15
26	Baker, Luther I.	1876-80
11	Barker, Roscoe V.	1913-17
24	Baldwin, L. S.	1894-98
25	Bales, Alonzo L.	1898-1901
10	Barclay, Joseph K.	1914-18
4	Barkwell, Harmon G.	1854-57
53	Barnard, George M.	1906-10
18	Barnard, William O.	1887-93
55	Barnett, Levi A.	1915-17
37	Barnhart, Robert E.	1904-08
16	Basset, Elmer	1905-07

Circuits. Prosecutor. Tenure.
13—Baumunk, John W.—1915-17
14—Bays, Fred F.—1911-15
53—Beach, Frank E.—1893-97
43—Beal, Fred W.—1898-1903
24—Beals, J. Frank —1901-03
15—Beeman, William H.—1888-90
5—Bear, Perry E.—1889-93
45—Beard, Manford B.—1886-90
36—Beauchamp, Robert B.—1874-76
19—Behm, Godlove —
48—Bell, David M.—1916-18
5—Bellamy, John F.—1877-81
19—Benedict, Charles P.—1905-07
27—Bent, Walter S.—1911-13
41—Bernetha, Harry —1896-1901
9—Biddle, William B.—1858-60
21—Bingham, James —1890-92
38—Bittenger, Jacob R.—1873-77
37—Bishop, David L.—1880-82
26—Bishop, Joshua —1876
35—Bixler, John W.—1877-79
16—Blair, Alonzo —1896-1903
26—Blair, Luther F.—1876-80
11—Blake, Orris —1856
19—Blake, Richard B.—1878-1880
55—Blessing, Edgar M.—1907-11
14—Blue, Perry H. —1880-82
17—Bond, William A.—1898-1903
21—Booe, Charles A.—1885-86
31—Boone, David E.—1907-11
8—Bracken, John L.—1878-80
10—Brackenridge, Joseph —1853 refused.
13—Bradbury, Daniel M.—1867-70
42—Branaman, William D.—1881-85
42—Branaman, William T.—1889-95
56—Branyan, John S.— —1888-92; 1898-1901
28—Branyan, William A.—1888-92
35—Bratton, Emmett A.—1887-91
32—Breece, William H.—1899-1904
18—Briggs, John C.—1870-72
44—Breman, George W.—1884-86
11—Bretz, John L.—1884-90
32—Brick, Abraham L.—1887-89
21—Brissey, James W.—1889-1901
6—Broadwell, Jacob S.—1866-68

Circuits. Prosecutor. Tenure.
39—Brockway, Howard T. 1913-17
50—Books, Sparks L. 1915-17
7—Brotherton, William 1855-57
27—Brower, Charles 1903-07
3—Brown, Charles T. 1913-17
36—Brown, Clinton T. 1912-17
30—Brown, John T. 1890-94
18—Brown, Joseph M. 1877-79
19—Brown, William T. 1882-84
2-13—Browne, Thomas M —1855-61; 1862-66
9—Browning, William W. 1875-77
11—Brownlee, John 1879
7-26—Brumblay, George R. 1870-78
52—Bulliet, Walter V. 1906-13
49—Bundy, Elias 1895-97
22—Burford, John N. 1880-82
37—Burke, Bartemus 1873-75; 1877
37—Burke, Bartemus —1873-75; 1877-81
4—Burke, Frank B. 1880-86
9—Burns, Amos 1873-75
15—Burns, Henry 1873; 1901-05
28—Burns, John 1901-05
34—Burris, Lloyd L. 1908-10
39—Bushnell, William S. 1886-88
18—Butler, Charles M. —1873-75; 1879-81
51—Butler, Frank D. 1890-94
35—Butler, Joseph 1901-05
23—Caldwell, James L. 1877-79
22—Caldwell, Robert W. 1905-07
9—Calkins, William H 1866-70
4—Campbell, Alexander M 1869-72
50—Campbell, Bartlett H 1892-94
8—Campbell, George W 1886-90
33—Campbell, James A 1875-76
16—Campbell, Thomas H 1892-96
25—Canada, Silas A. 1886-88
48—Cantwell, Sidney W 1885-89
2-6—Carlton, Ambrose B —1854-55; 1860-62
27—Carpenter, Frank G 1907-11
57—Carpenter, Harry W 1909-15
14—Carpenter, James H 1867
28—Carr, Nathan T. 1870-72
50—Carver, Albert C. 1890-92

Circuits. Prosecutor. Tenure.
33—Carver, Wier D.——1907-11
7—Chambers, David W.——1867-72
10—Chapin, Augustus A.——1860-62
5—Chapman, DeWitt C.——1854-56
20—Charlton, Francis M.——1881-85
11—Chase, Dudley H.——1864-70
16—Cheney, John C.——1909-11; 1912-15
25—Chenowith, Ernest E.——1911-13
30—Chizum, Albert E.——1896
1—Clark, Andrew J.——1893-99
12—Clark, Arthur A.——1913-15
60—Clark, George E.——1901-05
45—Claybaugh, N. B.——1892-96
4—Clegg, Mathew ——1876-78
3—Clements, Jr., Richard A.—1859-66
37—Clifton, James A.——1916-18
48—Cline, Ona L.——1893-95
22—Clouser, Ira ——1911-15
12—Cobb, Orlando H.——1888-92
5—Cofer, Thomas I.——1872-74
10—Colerick, John ——1859-60
38—Colerick, Philemon B.——1891-95
4—Coll, George E.——1890-92
7—Colgrove, Silas ——1852-54
22—Collings, George W.——1878-80
3—Collins, Alfred B. ——1873
23—Collins, George W.——1879-81
32—Collins, Jeremiah B.——1904-06
63—Collins, W. Ray——1915-17
13—Colliver, Pressley O.——1886-90
45—Combs, Joseph ——1890-92
13-17—Comstock, Daniel W.—1872-76
17—Comstock, Paul ——1903-05
21—Conley, Hugh H.——1883-86
10-11—Connell, John M.——1852-55
6—Connolly, Marcus R.—1896-1901
32——Connoly, Peter D.——1891-93
3—Cook, Christ ——1890-94
33—Cook, James W.——1884-88
28—Cook, Samuel E.——1892-94
48—Coon, George M.——1910-14
55—Cooper, Everett ——1901-03
9—Cooper, George W.——1873
43—Cooper, James A. Jr.——1905-09
36—Cooper, J. Fenimore——1907-09
5—Cotton, Wallace J.——1916-18

Circuits. Prosecutor. Tenure.
18—Coulson, Sewell ——1867
44—Courtright, Adrian L.——1903-05
39—Cowger, Clarence R.——1911-13
11-57—Cox, William E.——1892-98
9—Craig, John W.——1903-07
1-6—Cravens, John O.——1872-78
40—Crawford, Baron D.——1878-82
32—Crawley, James A.——1873-75
9—Creath, Thomas L.——1901-03
46—Cromer, George W.——1886-90
3—Crumpacker, Edgar D.—1884-88
12—Culbertson, D. Frank—1907-11
12—Cullop, William A.——1885-86
4—Cullum, Milton H.——1860-62
15—Cunning, Ambrose M.—1873-77
11—Curtis, George W.——1905-07
29—Custer, George A.——1907-11
26—Dailey, Joseph S.——1868-76
36—Daniels, Edward ——1903-05
29—Daniels, Elmore S.——1880-84
47—Daniels, Henry ——1888-90
4—Dandy, Creighton ——1864-66
47—Davidson, Evert A.——1915-17
23—Davidson, James T. ——1881-83
35—Davis, A. E.——1895-97
15—Davis, Edward S. ——1890-94
9—Davis, John L.——1898-1901
6—Davis, John W.——1907-09
2—Davis, Ora A.——1911-17
7—Davis, Rodman L.——1878-82; 1888-96
24—Davis, Sanford C.——
36—Davis, William D.——1894-96
38—Dawson, Charles M.——1880-87
38—Dawson, Ronald T.——1904-06
56—Day, James R.——1896-98
7—Dean, Willard M.——1915-17
46—Dearth, Clarence W.——1901-05
15—DeBruler, Curran ——1870-72
10—Defrees, James M.——1858-59
11-23—DeHart, Richard P.—1858-60; 1885-86
48—Dentler, Grant A.——1902-06
1-19—Denton, John—1868-72; 1874-76
37—Develin, Lewis M.——1885-89
2—DeWeese, Harold ——1892-94

Circuits.	Prosecutor.	Tenure.
16	Dill, Peter M.	1886-88
11	Dillon, Thomas H.	1890-92
44	Dilts, James A.	1915-17
6	Dixon, Lincoln	1881-92
9	Dixon, Webster	1881-85
3	Dobbins, Cutler S.	1866-72
20	Dodson, Vasco	1913-15
38	Doughman, N. B.	1895-99
30	Douthit, James W.	1895-96
18	Downing, Charles	1895-96
58	Dragoo, Adelma	1901-03
34	Drake, James S.	1879-83
34	Duff, William H.	1906-08
3	Dumont, John	1856-58
41	Drummond, Charles P.	1886-90
8	Dumont, Mark S.	1856-58
18	Duncan, George W.	1883-87
47	Duncan, Henry C.	1881-83
9	Duncan, Washington C.	1879-81
8	Durnan, Richard A.	1880-81
1	Durre, Edgar	1899-1904
20	Dutch, Patrick H.	1892-94
1	East, John R.	1878-79
56	Eberhart, George M.	1907-11
10	Edmonson, John E.	1893-97
34	Edwards, Frank M.	1910-16
50	Edwards, William F.	1898-1901
32	Egbert, Andrew J.	1885-87
54	Eiler, William H.	1890-94
17	Elliott, James F.	1870-74
12	Emmison, Samuel M.	1903-07
20	Emmert, Joseph D.	1888
38	Emrick, Emmett V.	1899-1904
38	Emrick, Frank A.	1916-18
28	Ernshwiller, Ashley G.	1905-09
11	Espenscheid, William	1901-05
9	Essick, Michael L.	1870-72
53	Evans, Herbert H.	1910-14
12	Everett, Frank B.	1864-68; 1870-72
9	Everroad, W. H.	1889-91
3	Ewing, John W.	1905-09
67	Fabing, Walter J.	1913-15
29	Fansler, Michael D.	1884-88
29	Fansler, Michael L.	1911-15
9	Farnsworth, Reuben L.	1856
18	Felt, Edward W.	1890-94
11	Filbert, James B.	1906-08
22	Fine, Harry N.	1907-11
36	Fippen, James M.	1881-86
5	Fishback, William P.	1859-62
57	Fisher, Lee H.	1901-05
29	Fitzer, William C.	1901-03
23	Flanagan, Daniel P.	1904-08
3	Fleshman, Charles L.	1896-1901
58	Fleming, James R.	1907-11
33	Fleming, Lorenzo D.	1891-94
10	Fletcher, Fred N.	1906-10
24	Foland, Roscoe R.	1911-13
32	Ford, George	1873; 1875-85
29	Foskett, Walter	1915-17
11	Foster, William A.	1883-84
26	France, John T.	1880-84
1	Frey, Phillip W.	1883-87
48	Friedling, Elmer E.	1906-08
26	Fruchte, J. Fred	1915-17
3	Funk, Major W.	1882-86
3	Funkhouser, A. W.	1894-96
34	Ganiard, Sidney K.	1912-14
3	Gardiner, W. Ray	1866
24	Garver, John E.	1898-1901
24	Gentry, Cassius M.	1907-11
28	Gibson, George W.	1883-85
34	Glasgow, Wesley C.	1873-77
33	Glatte, William A.	1894-96
34	Glazebrook, Bradford D. L.	1894-96; 1909-11
27	Good, Macy	1878-84
7	Gooding, Lemuel G.	1865-67
20	Goodwin, Gilbert H.	1873
12	Goodman, John T.	1892-98
54	Graham, Henry W.	1901-05
20	Graves, Fred	1909
30	Graves, Robert O.	1905-09
37	Gray, George I.	1893-95; 1897-1902
33	Green, Philemon B.	1905-07
4	Green, Sebastian	1855
31	Greenwald, Charles E.	1911-13
39	Gregory, Robert	1882-84
58	Greiner, Daniel E.	1897-1901
13	Groombs, Tarvin C.	1870-78
1	Gudgel, William H.	1870-83
9	Guiney, Aaron G.	1864-68

Circuits. Prosecutor. Tenure.
25—Gullett, Alexander _____1874-76
55—Gulley, Otis E. _____1894-98
45—Gunter, Charles G._____1911-17
24—Guy, Ananias _____1915-17
13—Guthrie, W. R._____1874-76
3—Gwartney, George K.___1886-88
27—Gwynn, Lincoln _____1894-98
86—Hack, Charles A._____
_____1903-05; 1907-09
16—Hackney, Leonard J._____1878-80
5—Hadley, John V._____1867-68
29—Hale, C. E._____1894-96
21—Hall, E. Grant_____1905-09
21—Hall, John J._____1909-13
14—Hammill, Samuel R._____1873-75
43—Hamill, Maxwell C._____1890-94
18—Hanna, Burton G._____1867-70
4—Hanna, Henry C._____1858-60
9—Harding, Lewis A._____1913-17
19—Harding, William N._____1884-86
15-28—Hargrave, William P._
_____1865-67; 1869
11—Harlan, Isaiah M._____1854-56
66—Harmon, Harvey _____1913-15
34—Harmon, James L. _____1910-12
36—Harnes, B. F. _____1896-98
21—Harrell, Aaron P. _____1878-80
4—Harrell, Samuel S. _____1862-64
7—Harrison, John A. _____1861-65
9—Harrison, Robert W. ___1858-62
26—Hartford, Richard H. ___
_____1888-90; 1892-94
14—Hartman, Ezra D._____1967-70
35—Hartman, Hubert E._____1910-14
49—Hastings, Elmer E._____1909-11
2, 15—Hatfield, Edwin R.___1872-76
2—Hatfield, Sidney B._____1880-84
5—Hay, Eugene G. _____1881-85
41—Hayes, Samuel J. _____1905-07
14—Haymond, Leigh H. _____1872
14—Hays, John T. _____1878-80
40—Hays, Noble J. _____1910-13
23—Haywood, George P._____1886-91
31—Heard, Thomas H._____1894-98
26—Heller, Henry B. _____1907-11
33—Helwig, Henry F._____1915-17
2—Hemenway, James A. __1886-90
Circuits. Prosecutor. Tenure.
39—Hench, Frank P. _____1880-82
2, 15—Henning, William ____
_____1867-70; 1894-96
10—Henley, Joseph E. _____1883-85
23—Hennegar, Homer W. ___1912-16
16—Henry, Claude R. _____1915-17
43—Henry, David W. _____1884-88
11—Hess, Alexander _____1870-73
30—Hess, Reuben _____1915-17
20—Higgins, Barton S. _____1885-87
34—Hile, William B. _____1901-06
38—Hilgemann, Harry H.___1912-94
55—Hill, Daniel F. _____1892-94
28—Hindman, J. A. _____1893-96
15—Hines, Blythe _____1861-63
24—Hines, Frank E._____1903-07
45—Hines, William R._____1883-84
6—Holland, William G._____1878-84
20—Holloman, Reed _____1896-98
45—Holman, Dallas S. _____1911
19—Holtzman, John W._____1890-92
12—Honan, Thomas M. ___1895-1902
19—Hooten, Elliott R._____1907-11
12—Hoover, William S.___1898-1903
46—Hopping, Henry L. _____1894-98
4, 20, 16—Hord, Kendall M.___
_____1866-68; 1873-74
4—Hord, Oscar B. _____1852-54
20—Hornaday, John W. ____1907-09
13—Horner, Frank A._____1890-94
41—Houghton, J. K. _____1894-96
24—Householder, Francis M.1876-78
4—Howard, Edgar A._____1892-96
22—Howard, Frank M._____1882-86
28—Howe, Daniel W._____1868-70
14, 63—Hudson, James M.___1910-11
42—Hudson, Simon M._____1902-04
49—Huff, James McDonald__1892-94
2—Huffman, Benjamin F.__1905-07
13—Hughes, James P. _____1907-11
14—Hultz, William C._____1887-91
14—Hunt, Charles D._____1895-99
42—Huston, Frank S. _____1909-13
43—Huston, Samuel H._____1894-96
20—Hutchinson, Frank E.___1903-05
25—Hutchens, Charles L.____1894-98
68—Ingram, Homer D._____1915-17

Circuits. Prosecutor. Tenure.
56—Jackman, Clifford F.____1903-07
32—Jackson, Francis M.____1893-95
17—Jackson, Richard A.____1886-90
53—Jackson, Edgar_____1902-06
47—James, Fleury F. _____1898-1901
34—Jay, Oscar _____1914-18
67—Jensen, Charles W._____1915-17
62—Jessup, Fred H. _____1913-15
17—Jessup, Wilfred _____1905-09
5—Jewett, Charles L. _____1873-77
2—Jewett, Patrick H. _____1854-56
7—Johnson, Frank B. _____1905-07
17—Johnson, Henry U._____1876-80
2—Johnson, Richard M.____1890-92
22—Johnston, Charles _____1885-86
23—Jones, Charles D._____1875-77
41—Jones, Perry O. _____1874-78
21—Jones, Robert P._____1880-83
11, 12—Justice, James M.____
_____1868-70; 1873
51—Kagy, Vites E. _____1907-11
44—Kelley, Charles G. _____1905-06
25—Kelley, William Wirt___1869-70
56—Kelsey, E. E. _____1894-96
1—Kelso, Daniel _____1854-56
22—Kennedy, Dumont _____1894-98
5—Kennedy, Peter S. _____1856-58
52—Kenney, Herbert P._____1915-17
24—Kettinger, William A.__1880-84
11—Kidd, Meredith H._____1860-62
11—Kilroy, James_____1895-1901
23—Kimmell, Frank _____1908-12
12—Kimmell, Joseph W.____1915-17
36—Kirkpatrick, Albert B.__1886-88
17—Kirkham, E. E. _____1894-98
33—Kissinger, William H.___1903-05
29—Kistler, Frank M._____1892-94
29—Kistler, George S._____1896-1901
4—Kopp, George C._____1909-13
57—Kreig, Stanley M._____1915-17
56—Kreig, Otto H._____1911-15
60—Kurtz, George A._____1905-07
17—Ladd, Charles L._____1909-12
17—Ladd, Joshua _____1912-13
14—Lamb, John E. _____1875-78
2—Land, William A._____1884-86
66—Lanphar, Oscar _____1915-17

Circuits. Prosecutor. Tenure.
20—Laughrum, Noah _____1894-96
49—Laughlin, Edgar T. _____1905-09
—Laughlin, Joseph D _____1886-88
5—Leathers, William W. _____1862-65
6—Lee, Louis A. _____1905-07
13—Lee, S. Walter _____1913-13
12—Lee, William D. _____1862-64
46—Leffler, Joseph G._____1896-98
54—Lehman, Herschell V. _____1909-13
5—Leland, Simon E. _____1899-1902
5—Lemen, Emerson _____1906-10
1—Lewis, Benjamin F. _____1854-58
13—Lewis, H. C. _____1894-96
42—Lewis, John M. _____1901-05
14—Lindley, John W. _____1904-06
2—Lindsey, Thomas W. _____1896-1902
22—Linn, Walter H. _____1915-17
3—Long, Daniel H. _____1885-86
46—Long, Harry _____1909-13
12—Long, John S. _____1879-82
54—Longfellow, Homer _____1915-17
30—Longwell, Fred H. _____1909-15
3—Lottick, Clyde R. _____1909-13
10—Louden, William M. _____1912-14
10—Lowe, Simpson _____1887-90
3—Luckett, John H. _____1901-07
1—Luhring, Oscar H. _____1908-12
31—McAleer, William J. _____1901-07
2—McAllister, Augustus S _____1877-78
42—McCart, Arthur E. _____1907-09
34—McClaskey, John D._____1887-89
31—McClaskey, Miles R. _____1905-07
29—McConnell, Dyer B. _____1876-78
35—McConnell, W. B. _____1873-77
15—McCord, Edwin M. _____1884-86
15—McCord, Elam M. _____1909-12
49—McCormack, Hiram _____1887-89
55—McCormick, John _____1898-1901
12—McCormick, Shuler _____1901-13
27—McCracken, Arthur N _____1911-13
15—McCracken, Edwin _____1911-13
41—McCracken, Sylvester V _____1886-88
1—McCutcheon, Andrew J _____1887-90
41—McDowell, Harry W. _____1911-13
11—McGary, Clyde _____1907-09
15—McGinnis, Homer I
_____1898-1900; 1903-05

Circuits.	Prosecutor.	Tenure.
29	McGreevy, James W.	1888-92
13	McGregor, Samuel M.	1882-86
7	McGrew, Edward H.	1886-88
14	McGrew, James	1870-72
25	McGriff, Emerson	1885-86
45	McGuire, Arthur L.	1901-03
21	McHaffey, Carl E.	1913-17
14	McIntosh, Edward W.	1899-1902
52	McIntyre, George B.	1898-1909
54	McKuley, L. B.	1894-96
41	McKessen, Delph L.	1913-17
6	McLean, William E.	1852-54
25	McMahan, John R.	1883-84
31	McMahan, Willis C.	1890-94
24	McMath, David J.	1892-94
7	McMullen, Harry R.	1896-1903
18	McNew, John L.	1894-95
16	McNutt, John C.	1888-92
6	Malott, Michael	1864-66
27	Mandelbaum, Aaron	1913-14
46	Mann, J. Frank	1913-17
36	Manning, Arthur G.	1909-11
25	Marsh, Albert O.	1876-78
15	Marsh, Charles E.	1863-64
4, 27	Marsh, James K.	1874-76
5	Marshall, Curtis	1912-16
49	Marshall, James B.	1896-98
61	Marshall, Lawrence O.	1915-17
30	Marshall, Ralph W.	1886-90
7, 12, 41	Martindale, Elijah B.	1854-55; 1882-86
30	Marvin, George	1892-94; 1898-1901
42	Masterson, Thomas P.	1913-17
13	Matson, Charles E.	1878-82
6	Matson, Courtland C.	1872-74
13	Matson, Smith C.	1901-05
16	Mavity, Milton S.	1879-81; 1887
47	Maxwell, Howard	1894-98
4	Mayfield, Frank M.	1901-05
49	Mears, Charles M.	1888-92; 1898-1901; 1915-17
25	Medsker, Chauncey L.	1884-86
25	Mellett, Joshua H.	1878-82
51	Merley, George F.	1911-12
34	Merritt, Francis D.	1883-87
41	Metzler, Arthur	1901-05
10	Miers, Robert W.	1875-78
8	Miller, Fremont	1899-1906
5	Miller, Joseph S.	1865-67
1	Miller, John A.	1865-68
12	Miller, John L.	1856-62
32	Miller, Theron T.	1906-08
10	Miller, Robert G.	1901-06
30	Mills, Charles E.	1899-1901
19	Mitchell, James L.	1886
56	Mitchell, William A.	1901-03
22	Moffet, Winfield S.	1890-94
36	Mock, Every A.	1901-03
41	Molter, John A.	1907-09
4	Montford, Elias R.	1873-74
46	Monroe, Robert W.	1907-09
60	Montgomery, Chester R.	1911-17
4	Montgomery, Harry C.	1896-1901
28	Moore, Alfred	1873-77
36	Moore, John E.	1880-82
1	Moore, Robert P.	1852-54
20	Moore, William R.	1877-81
26	Moran, John C.	1900-07
28	Morgan John W.	1872-73
38	Morrison, James F.	1877-80
31	Morton, Charles N.	1888-90
12	Moser, Ephraim	1877-79
7	Moss, David	1859-61
45	Moss, George V.	1903-07
15	Moss, Homer L.	1907-09
36	Mount, Cleon Wade	1905-07
36	Mount, Walter W.	1888-90
22	Murphy, John B.	1903-05
27	Murphy, Joseph W.	1898-1903
40	Murphy, Sanford	1905-06
8	Myers, David A.	1890-94
1	Myers, James M.	1862-64
53	Myers, Walter R.	1914-16
7	Nation, David	1857-59
8, 12	Naylor, Charles A.	1854-56
24	Neal, John F.	1886-88
46	Needham, Albert E.	1905-07
7	Neff, Andrew J.	1855
6	Neff, Francis L.	1855-56
6	Neff, Willis G.	1860-64
37	Nevin, Frank E.	1902-04
20	New, Harvey P.	1890-92
18	Newby, Leonidas P.	1881-83

Circuits.	Prosecutor.	Tenure.
25	Newton, John W.	1882
38	Ninde, Daniel B.	1906-08
10	Noblett, Abram	1885-87
53	Nogle, Charles O.	1916-18
35	Nyce, James R.	1911-18
17	O'Brien, William	1867-70
39	Odell, John C.	1896-98
9	O'Donnell, William V.	1909-11
5	Ogden, Jesse S.	1869-72
12	O'Neall, John H.	1873-77
65	O'Niell, Dennis	1911-12
58	O'Neill, John J.	1915-17
32	Orr, Joseph G.	1878-80; 1889-91
24	Orr, Thomas B.	1878-80
24	Osborn, George W.	1913-15
1	Osborn, Lane B.	1916-18
6	Osborn, Milton A.	1856-58
43	Owens, Albert R.	1909-13
49	Padgett, Alvin	1901-05
12	Padgett, Arnold J.	1882-85
45	Palmer, William L.	1896-98
52	Paris, John M.	1913-14
11	Parrish, Charles H.	1856-58
26	Parrish, Rolla C.	1911-15
3	Parrott, William F.	1857
23	Parsons, Isaac	1875
60	Pattee, Cyrus E.	1909-11
8	Patterson, Horton C.	1868
31	Patterson, James A.	1913-17
4	Patterson, William	1854-58
24	Patty, David W.	1888-90
8	Peiree, Robert B. F.	1868-71
27	Pence, Charles R.	1884-86
44	Pentecost, William O.	1906-07
32	Pepple, Worth W.	1914-18
9	Percifield, Anderson	1885-89
20	Perkins, John C.	1901-03
44	Peters, Robert D.	1913-15
35	Peterson, Henry C.	1881-87
31	Peterson, John B.	1880-81
5	Pheasant, James R. E.	1904-06
15	Phelps, Frank A.	1883-81
51	Phelps, Hal C.	1912-17
9	Phillips, Albert W.	1907-09
9	Phillips, David T.	1860-61
61	Philpott, Claude B.	1911-15
15	Pickens, Samuel O.	1877-81
6	Pierce, Isaac N.	1858-60
43	Piety, John E.	1888-90
11	Pigg, Martin L.	1916-18
37	Pigman, George W.	1889-93
10	Pittman, Jeremiah P.	1873
27	Plummer, Alfred H.	1874-75; 1880-04
29	Pollard, Charles R.	1874-76
47	Powell, Clarence G.	1907-11
23	Powell, Walter C.	1882-85
3, 42	Prow, Fred L.	1876-81
39	Pruitt, Edward B.	1898-1900
15	Pryor, Eller E.	1905-07
19	Pugh, Edwin B.	1898-1900
36	Pyke, John P.	1892-94
18	Quigley, Edward F.	1906-13
23	Randolph, Edgar D.	1899-1904
15	Reriden, Frank G.	1911-15
21	Ratcliff, Omer B.	1902-05
48	Ratcliff, Charles M.	1889-91
13	Rawley, John M.	1896-1901
33, 54	Ray, George M.	1888-89
16	Ray, W. Scott	1874-78
6	Read, Theodore	1855
27, 51	Reasoner, Ethan T.	1883-89
21	Reed, William B.	1880-81
41	Reed, William J.	1907-09
18	Reeves, Robert F.	1905-07
22	Reeves, William M.	1898-1903
2	Reinhard, George L.	1876-80
17	Reller, Wm. W.	1911-17
13	Reynolds, Elisha B.	1870-72
18	Reynolds, Lafayette H.	1880-90
47	Rheuby, Gould G.	1901-04
35	Rhoades, Wilson	1897-[illegible]
8	Rice, Thomas N.	[illegible]
1	Richardson, George W.	18[illegible]
32	Richter, John C.	[illegible]
11	Riddle, John A.	1901-04
5	Riley, Reuben A.	1852-54
22	Roach, David	[illegible]
17	Robbins, John T.	[illegible]
5	Roberts, Clarence J.	[illegible]
4	Robinson, Wallace J.	[illegible]
13	Robinson, Ben	[illegible]
38	Robinson, Hugh M.	[illegible]
6	Robinson, John C.	[illegible]

Circuits. Prosecutor. Tenure.
45—Robinson, William _____1907-11
8—Roland, Elmer E._____1896-99
29—Rollins, Thaddeus S._____1873-74
25—Ross, James B._____1892-94
33—Royce, Lemuel W. _____1876-78
19—Rucker, Alvah J. _____1915-17
19—Ruckelshaus, John C.___1900-05
7—Russe, John H. _____1907-15
7—Ryan, John W. _____1872-74
39—Ryan, Michael A._____1888-92
18—Saint, Exum. _____1873
56—Sapp, Arthur H. _____1915-17
1—Sappenfield, John W._____1912-16
47—Satterlee, Willis A. _____1911-13
2—Savage, Louis H. _____1907-11
50—Scanlon, Daniel W._____1894-98
11—Schafer, John C._____1873-77
52—Schindler, Charles W.___1914-15
10—Schell, James H. _____1862-66
8—Scobey, Orlando B._____1874-78
13—Scofield, Curtis V._____1905-07
49—Seal, Flavian A. _____1911-15
55—Sears, Charles V. _____1911-13
18—Sears, Robert B. _____1872-74
28—Secrest, Ethan W._____1909-13
15—Sedgwick, John E. _____1900-03
3, 15—Shanklin, James M.___
_____1857-58 1859-61
8—Shannon, Henry _____1856
2, 4—Shaw, Robert J. _____1870
6—Shea, Joseph H. _____1892-94
9—Shea, William H._____1895-98
36—Sheil, J. Carl_____1911-12
20—Shelby, John B. _____1898-1901
14—Shelton, John W._____1882-83
36—Shirley, Cassius C._____1882-84
17—Shively, Charles E. _____1880-84
2—Short, Samuel W. _____1852-54
50—Shuman, Jesse C. _____1911-15
51—Shunk, John Allen_____1905-07
33—Sickafoose, Michael _____
_____1878-80; 1882-84
45—Sims, William S. ____1898-1901
34—Sims, Charles G. _____1897-1902
30—Sink, John D. _____1901-05
58—Skinner, Malcolm V._____1911-15
60—Slick, Thomas W._____1897-1901

Circuits. Prosecutor. Tenure.
14—Slinkard, William L._____1891-95
54—Sloane, John A. _____1905-07
20—Smiley, Pearlus E._____1915-17
35—Smith, Charles S._____1906-10
26—Smith, David E._____1896-1900
65—Smith, Donald L._____1913-15
37—Smith, F. M. _____1895-97
36—Smith, James H._____1890-92
5—Smith, Leonard E. _____1902-04
32—Smith, Ralph N._____1908-14
25—Smith, Wesley O._____
_____1904-07; 1909-11
4—Smith, Thomas L._____1878-80
39—Smith, Will C. _____1884-86
55—Snodgrass, James P._____1913-15
26—Snyder, F. H. _____1894-96
33—Spangler, Martin H. ____1911-15
9—Spaugh, Ralph H. _____1911-13
25—Spence, Thomas A._____1882-83
1—Spencer, John W._____1891-95
28—Sprague, Lee F._____1913-17
24—Stafford, Joel _____1873-75
7—Stahr, Robert E._____1882-86
45—Staley, William A._____1884-86
37—Stanford, Leland H._____1881-85
21—Stansbury, Ele. _____1892-96
17—Starr, Henry C. _____1890-94
28—Steele, Asbury E._____1877-79
53—Steele, Wrighter R.__1897-1902
44—Steis, Henry A._____1888-94
65—Stevens, Albert _____1915-17
41—Stevens, Smith Ney_____1890-94
21—Stillwell, Thomas L._____1874-78
15—Stinson, Lewis C. _____1864-65
16—Stoff, Frederick S._____1882-86
10—Stoughton, Sanford J.__1856-58
36—Stratton, Frank M.___1898-1901
23—Street, Roy C. _____1916-18
62—Strode, Donald P._____
_____1910-13; 1915-17
24—Stuart, Simon D._____1890-92
3—Suddarth, Jerry L._____1880-90
34—Sullivan, John T._____1889-93
51—Sullivan, Lyman B.___1898-1901
5—Sulzer, Marcus R._____1885-89
54—Summy, Melvin H. ___1896-1901
47—Sunkel, George D._____1913-15

Circuits.	Prosecutor.	Tenure.
64—	Sutherlin, William M.	1911-17
31—	Sutton, Stanley T.	1898-1901
40, 61—	Swails, Oren O.	1905-10
9—	Swingle, Wilson S.	1877-79
36—	Swoveland, John A.	1878-80
8—	Tackett, Marine D.	1881-86
60—	Talbott, Joseph E.	1907-09
11—	Taylor, Arthur H.	1880-84
25—	Taylor, Lemuel L.	1915-17
19—	Taylor, Newton M.	1880-82
3—	Taylor, Samuel H.	1872
39—	Taylor, Wesley	1909-11
8—	Telford, Samuel L.	1854
13—	Templer, James N.	1861-67
38—	Thomas, Albert S.	1908-12
18—	Thomas, Hiram L.	1913-15
39—	Thomas, William O.	1905-09
23—	Thompson, C. E.	1895-99
25—	Thompson, Carl	1907-09
6—	Thompson, Frances M.	1894-96
12, 30—	Thompson, Simon P.	1872-76
43—	Tichenor, William	1896-98
51—	Tillett, Joseph N.	1891-98
18—	Tindall, Charles L.	1905-09
30—	Travis, Henry S.	1876-78
32—	Travis, Julius C.	1898-99
57—	Traylor, Bomar	1905-09
57—	Traylor, Kerr	1898-1901
11—	Trippett, Sanford	1909-13
11—	Trippett, William H.	1877-80
24—	Trissal, Franklin M.	1873
10—	Tucker, J. W.	1873-75
23, 39—	Uhl, William E.	1873-76
10, 40—	Underwood, John H.	1910-15
41—	Unger, Henry L.	1909-13
37—	Urmster, Stephen E.	1875-77
3—	Usher, Nathaniel	1854-55
52—	Utz, William C.	1890-98
18—	Van Duyn, Albert C.	1901-05
17—	Van Horn, Nicholas	1867
36—	Vaile, Joel Fred	1876-78
5—	Vanosdol, Argus D.	1893-97
50—	Van Nuys, Frederick	1907-11
26, 22—	Vaughn, Edwin C.	1881-88
6—	Verbarg, Joseph W.	1909-17
50—	Vestal, Albert H.	1901-07
4—	Voight, George H.	1886-90
8—	Voorhees, Daniel W	1853-54
3—	Voyles, Samuel B.	1873-77
12—	Voyles, William H	1905-07
14—	Vurpillat, Frank J	1898-1903
34—	Wade, Cyrus F.	1873; 1877-79
49—	Wadsworth, P. R.	1894-96
30—	Walker, Matthew H	1882-86
18—	Walker, William F.	1875-77
43—	Wallace, Harry S.	1903-05
39—	Wallace, John H.	1876-80
8—	Wallace, Lew	1852-53
20—	Walls, William B	1873-75
29—	Walters, George W	1903-07
9—	Waltman, William M	1891-95
28—	Waltz, Aaron M.	1896-1901
28—	Watkins, Charles W	1879-83
25—	Watson, Charles L	1901-04
9—	Weir, Morgan H.	1851-56
2—	Weir, Robert M.	1858-60; 1865-70
6—	Wells, Samuel R.	1901-05
35—	Welsheimer, Frank S.	1902-06
43—	Wernecke, Richard	1913-17
29—	Weyand, Simon P.	1878
58—	Wheat, Roscoe D.	1903-07
26—	Whitaker, George T	1890-92
46—	White, Edwin M.	1898-1901
22—	White, Ared F.	1874-79
8—	White, Henry H	1908-14
16—	White, Jacob L.	1880-82
61—	White, William N	1907-11
33—	Whiteleather, David V	1898-1903
11—	Whiteside, Thomas C	1862-63
1—	Wicks, Platt	1865-69
33—	Widamon, John D	1880-82
33—	Wigert, John C	1880-81
18—	Wiggins, John F	1896-1901
39—	Willer, T. B	1894-96
37—	Wiles, Allen	1908-10
7—	Williams, Addison	1878
15—	Williams, Joseph W	1894-98
8—	Williams, Thomas	1906-08
48—	Williams, Wilbur F.	1908-10; 1911-16
20—	Wills, Henry C.	1875-77
10—	Wilson, E. R.	1854-56

Circuits.	Prosecutor.	Tenure.
10	Wilson, Thomas W.	1866-68
19	Wiltsie, Charles S.	1892-98
19	Wittenbraker, Charles	1904-08
24, 50	Wood, David W.	1884-86; 1889-90
8	Wood, Samuel F.	1862-68
9, 31	Wood, Thomas J.	1872-76
14	Wood, Walter F.	1908-10
20	Wood, William J.	1911-13
23	Wood, William R.	1891-95
25	Woodbury, Bert E.	1913-15
9	Woodward, D. J.	1852-54
40	Woolery, Marshall	1915-17
12	Worden, James L.	1853-54
5	Wright, James S.	1910-12
8	Wright, John P.	1914-18
7	Wulber, Theodore J.	1903-05
21	Wyand, Clyde H.	1901-02
20	Wynkoop, Cassius M.	1887-88
47	York, Jesse P.	1886-88
31	Youche, Julius W.	1876-80
8	Young, George W.	1894-96
2	Youngblood, Union	1903-05
10	Zaring, James E.	1897-1901
3	Zenor, William T.	1877-82
20	Zion, Charles M.	1889-90
2	Zoercher, Philip	1901-03
4	Zollman, Charles K.	1905-09

COMMON PLEAS COURTS.

A study of the judicial history of the state during the first two decades following the adoption of the present Constitution reveals the fact that the lawyers were not satisfied with the multiplicity of courts which had arisen. In 1872 there were twenty-one Circuit courts, eight Criminal Circuit courts, three Superior courts—all in Marion county—and twenty-three Common Pleas courts, or a total of fifty-five courts of all kinds. As has been stated, the Criminal courts did not prove successful, and the same may be said of the Common Pleas courts. When the Constitutional Convention of 1850 decided to abolish the Probate court, the Common Pleas court was planned to take over all the probate business as well as have jurisdiction of part of the business formerly intrusted to the Circuit court. For this reason, the Legislature, on May 14, 1852, organized a large number of Common Pleas courts, dividing the state into forty-four districts for common pleas purposes. This meant that the state had more than four times as many Common Pleas courts as Circuit courts. The same act abolished the old Probate court, which had been in existence under the 1816 Constitution, and transferred most of the business of that court to the newly created Common Pleas court. It was given exclusive jurisdiction over

all probate matters and had original jurisdiction of all that class of offenses which did not amount to a felony. One exception to this is to be noted—it did not, of course, invade the jurisdiction of the Justice of the Peace courts, which had been given exclusive jurisdiction over certain kinds of cases. The Common Pleas court was given jurisdiction under definite restrictions of certain felonies where the punishment could not be death, but in no case was the intervention of the grand jury necessary.

In all cases except for slander, libel, breach of marriage contract, action on the official bond of any state or county officer, or where title to real estate was in question, the Common Pleas court had concurrent jurisdiction with the Circuit court where the sum or damages due or demanded did not exceed one thousand dollars, exclusive of interests and costs, and concurrent jurisdiction with the justices of the peace where the sum due or demanded did not exceed fifty dollars.

When the court was first organized, appeals could be taken from it to the Circuit court, but that was changed by a legislative act so that no appeal could be taken to that court. However, the same act provided that appeals could be taken from the Common Pleas court to the Supreme court of the state. From time to time the jurisdiction of the Common Pleas court was changed in an effort to make it a more useful and efficient adjunct of the state judiciary. The clerk of the Circuit court and the sheriff of the county were ex-officio officers in their respective capacities for the Common Pleas court.

The Judge of the Common Pleas court was ex-officio Judge of the Court of Conciliation. A Court of Conciliation was provided for by the Constitution of 1851, and in pursuance of the provisions of the Constitution, the Legislature passed an act on June 11, 1852, establishing such Courts and authorized the Judges of the Common Pleas courts to preside over them. An extended discussion of the Courts of Conciliation is found elsewhere in this chapter.

The Common Pleas court was abolished by an act of the Legislature, approved May 6, 1873, and all the business formerly transacted by it was transferred to the Circuit court. As early as 1867 Criminal courts had been established in a few

counties in the state and in 1871 the Legislature had provided for Superior courts in counties of a certain population. The Legislature was of the opinion that with the creation of these new courts it was a useless expenditure of money to continue the Common Pleas court. Accordingly, it was decided to discontinue it and create new Circuit, Superior or Criminal courts in those counties which had more business than they could handle.

COMMON PLEAS JUDGES.

The act of March 14, 1852, establishing the Common Pleas court, divided the state into forty-four districts. The districts were not numbered, and remained unchanged until the act of March 1, 1859. This second act divided the state into twenty-one districts, but again did not number them. The act of March 11, 1861, numbered them, the act making no change in the districts. Between 1861 and 1873, when the court was abolished, four new districts were created. In the following summary, the districts as established in 1852 are listed in the order in which they appear in the act and are numbered in consecutive order. Likewise the districts created in 1859 are numbered, although it was not until 1861 that the Legislature formally numbered them. The act establishing the court in 1852 provided that the first judges for the court should be elected in October of that year and hold their first court in January, 1853.

1. Posey, Gibson:
   John Pitcher—October 26, 1852.
   John Pitcher—October 26, 1856.
2. Warrick, Vanderburgh:
   Conrad Baker—October 26, 1852. Resigned December, 1853.
   Asa Iglehart—December 20, 1853. Appointed to fill vacancy caused by resignation of Baker; to serve from January 13, 1854.
   Joel W. B. Moore—October 28, 1856.
3. Spencer, Perry, Dubois:
   Lemuel O. DeBruler—October 26, 1852.
   Lemuel O. DeBruler—October 28, 1856.

4. Pike, Knox, Daviess, Martin:
   Richard A. Clements, Sr.—October 26, 1852.
   Richard A. Clements, Sr.—October 28, 1856.
5. Crawford, Orange, Washington, Harrison:
   William Morrow—November 5, 1852.
   Frederick W. Mathes—October 28, 1856.
6. Floyd:
   Nathaniel Moore—October 26, 1852.
   Alexander Anderson—October 28, 1856. Resigned February, 1858.
   George V. Howk—February 10, 1858, vice Alexander Anderson, resigned.
   David W. Lafollette—November 2, 1858, to serve two years from date.
7. Clark, Scott:
   Amos Lovering—October 26, 1852.
   Amos Lovering—November 22, 1856.
8. Jefferson:
   Charles E. Walker—October 26, 1852.
   Charles E. Walker—November 28, 1856.
9. Switzerland, Ohio:
   Robert Drummond—October 26, 1852.
   Robert Drummond—October 28, 1856. Died August, 1858.
   Scott Carter—August 18, 1858, vice Robert Drummond, deceased.
   John Z. Hayden—November 2, 1858, to serve two years from date.
10. Dearborn, Ripley:
   William S. Holman—October 26, 1852.
   Charles N. Shook—October 23, 1856.
11. Jennings:
   Ezra F. Pabody—October 26, 1852.
   Jeremiah Bundy—October 28, 1856.
12. Bartholomew:
   Zachariah Tannehill—October 26, 1852.
   Nathaniel T. Hauser—October 28, 1856.
13. Jackson, Lawrence:
   J. R. E. Goodlet—October 26, 1852.
   Frank Emerson—October 28, 1856.
14. Clay, Owen, Greene, Sullivan:
   William M. Franklin—October 21, 1852.
   Frederick T. Brown—October 28, 1856.
15. Monroe, Brown, Morgan:
   William G. Quick—October 26, 1852.
   George A. Buskirk—October 31, 1856.
16. Johnson:
   Franklin Hardin—October 26, 1852.
   Franklin Hardin—October 28, 1856.

17. Vigo:
    Amory Kinney—October 26, 1852.
    John W. Jones—October 28, 1856.
18. Shelby:
    James M. Sleeth—October 26, 1852.
    James M. Sleeth—October 28, 1856.
19. Decatur, Rush:
    Royal P. Cobb—October 26, 1852.
    Samuel A. Bonner—October 22, 1856.
20. Franklin, Fayette, Union:
    John S. Reid—October 26, 1852.
    John S. Reid—October 28, 1856.
21. Wayne:
    Nimrod H. Johnson—October 26, 1852.
    William P. Benton—October 28, 1856.
22. Henry:
    Martin L. Bundy—October 26, 1852.
    Martin L. Bundy—November 22, 1856. Died September 4, 1859.
23. Madison, Hancock:
    David S. Gooding—October 25, 1852.
    Richard Lake—October 28, 1856.
24. Marion:
    Abram A. Hammond—January 12, 1849, appointed. Resigned March 26, 1850.
    Edward Lander—March 26, 1850, to serve to October 26, 1852.
    Levi A. Todd—October 26, 1852.
    David Wallace—October 29, 1856.
    John Coburn—October 24, 1858, vice David Wallace, deceased.
25. Hendricks, Putnam:
    John Cowgill—October 26, 1852.
    John Cowgill—October 28, 1856.
26. Parke, Vermillion:
    John R. Porter—October 26, 1852. Died April 1, 1853.
    Samuel F. Maxwell—April 4, 1853, appointed to fill vacancy caused by death of John R. Porter.
    Samuel F. Maxwell—November 22, 1856.
27. Fountain:
    David Rawles—October 26, 1852.
    Charles Tyler—October 28, 1856.
28. Boone, Montgomery:
    Lorenzo C. Daugherty—October 26, 1852.
    Lorenzo C. Daugherty—October 28, 1856.
29. Tippecanoe, White:
    Samuel A. Huff—October 26, 1852. Filed resignation June 30, 1854.
    David Turpie—July 3, 1854, appointed to fill vacancy caused by resignation of Samuel A. Huff. Resigned September 30, 1854.

Gustavus A. Wood—September 30, 1854, appointed to fill vacancy caused by resignation of David Turpie.
Gustavus A. Wood—October 28, 1856.

30. Carroll, Clinton:
John W. Blake—October 26, 1852. Resigned August, 1856.
Robert P. Davidson—August 20, 1856, vice John W. Blake, resigned.
Jonathan C. Applegate—October 28, 1856.

31. Hamilton, Tipton, Howard:
Earl S. Stone—October 26, 1852.
Nathaniel R. Lindsey—October 28, 1856.

32. Delaware, Blackford, Grant:
Walter March—October 26, 1852.
Henry S. Kelley—October 28, 1856.

33. Jay, Randolph:
Nathan B. Hawkins—October 26, 1852. Died October 19, 1853.
James Brown—October 24, 1853, appointed to fill vacancy caused by death of Nathan B. Hawkins.
William A. Peele—October 23, 1854, to serve four years from October 12, 1852.
Jacob M. Haynes—October 28, 1856.

34. Huntington, Wells:
Wilson B. Loughridge—October 26, 1852.
Wilson B. Loughridge—October 28, 1856.

35. Wabash, Kosciusko:
John L. Knight—October 26, 1852. Resignation filed December 22, 1855, to take effect January 10, 1856.
George E. Gordon—December 20, 1850, appointed, to begin January 10, 1856.
Joseph H. Matlock—October 28, 1856.

36. Miami, Cass:
Robert F. Groves—October 26, 1852.
Samuel L. McFadden—October 28, 1856.

37. Warren, Benton, Jasper:
Daniel Mills—October 26, 1852.
William R. Royer—November 22, 1856.

38. Pulaski, Fulton:
Hugh Miller—October 26, 1852.
Carter D. Hathway—October 28, 1856.

39. Noble, Whitley:
Stephen Wildman—October 26, 1852.
James C. Bodley—October 28, 1856. Resigned October 10, 1859.
Sanford J. Stoughton—October 10, 1858, vice James C. Bodley resigned.

40. Adams, Allen:
James W. Borden—October 26, 1852. Resigned March 2, 1858.
Joseph Breckenridge—March 2, 1858, vice James W. Borden, resigned.
Joseph Breckenridge—November 2, 1856, to serve two years from date.

41. DeKalb, Steuben.
    John Morris—October 26, 1852.
    Egbert DeMott—October 28, 1856.
42. Lagrange, Elkhart.
    John H. Mather—November 5, 1852.
    Edgar H. Metcalf—October 28, 1856.
43. Laporte, Porter, Lake:
    Herman Lawson—October 26, 1852.
    William C. Talcott—October 28, 1856.
44. St. Joe, Marshall, Starke:
    Elisha Egbert—October 26, 1852.
    Elisha Egbert—October 28, 1856.

The act of March 1, 1859, re-districted the whole state for common pleas purposes, dividing the state into twenty-one districts. This act did not number the districts, but the succeeding Legislature, March 11, 1861, numbered them in the same order in which they were created in 1859, making no changes in districts. The districts with the Judges of each are given in the following table:

1. Posey, Vanderburgh, Warrick, Gibson:
   John Pitcher—October 25, 1860, to serve four years from date.
   John Pitcher—February 14, 1856, appointed.
   John Pitcher—November 23, 1865, to serve four years from date.
   Andrew L. Robinson—October 13, 1866, to serve four years from date.
   Morris S. Johnson—October 28, 1867, to serve four years from date.
   Morris S. Johnson—February 13, 1869, to serve four years from October 25, 1868.
   William P. Edson—November 25, 1871, vice Morris S. Johnson, deceased.
   William Land—August 3, 1872, vice William P. Edson, resigned.
   John B. Handy—October 28, 1872, to serve four years from date.
2. Knox, Daviess, Pike, Martin:
   R. A. Clements, Sr.—October 26, 1860, to serve four years from date.
   R. A. Clements, Sr.—November 4, 1864, to serve four years from October 26, 1864.
   James C. Denny—May 21, 1866, appointed until successor is elected.
   R. A. Clements, Sr.—November 12, 1866, to serve four years from date.
   W. Ray Gardner—October 22, 1867, to serve four years from date.
   James T. Pierce—October 23, 1867, to serve four years from date.
   James T. Pierce—October 28, 1872, to serve four years from date.

3. Spencer, Perry, Dubois, Crawford, Orange:
   John J. Key—October 26, 1860, to serve four years from date.
   Charles J. Mason—November 15, 1861, vice John J. Key, resigned.
   David T. Laird—November 1, 1862, appointed to serve four years from October 26, 1860.
   David T. Laird—November 2, 1868, to serve four years from October 26, 1868.
   Charles J. Mason—September 5, 1870, to serve until successor is elected.
   Milton S. Mavity—October 24, 1870, to serve four years from date.
   Milton S. Mavity—October 28, 1872, to serve four years from date.
4. Harrison, Floyd, Washington, Clark, Scott:
   Amos Lovering—October 25, 1860, to serve four years from date. Resigned March 24, 1864.
   William W. Gilleland—April 28, 1864, appointed, vice Amos Lovering, resigned.
   Nathan P. Willard—November 4, 1864, to serve four years from October 25, 1864.
   Patrick H. Jewett—November 2, 1868, to serve four years from November 4, 1868.
   Charles P. Ferguson—October 28, 1872, to serve four years from November 4, 1872.
5. Jefferson, Switzerland, Ohio, Ripley, Dearborn (Ripley was taken out and put in the Twenty-second district, February 26, 1867).
   Francis Adkinson—October 26, 1860, to serve four years from date.
   Robert N. Lamb—November 1, 1864, to serve four years from October 26, 1864.
   Scott Carter—November 2, 1868, to serve four years from date.
   Scott Carter—October 28, 1872, to serve four years, November 2, 1872.
6. Franklin, Fayette, Union, Wayne:
   Jeremiah M. Wilson—October 25, 1860, to serve four years from October 28, 1860.
   Jeremiah M. Wilson—November 1, 1864, to serve four years from October 28, 1864.
   J. F. Kibbey—March 6, 1865, appointed, vice Jeremiah M. Wilson, resigned.
   J. F. Kibbey—November 23, 1865, to serve four years from date.
   J. F. Kibbey—February 3, 1869, to serve four years from October 28, 1868.
   J. F. Kibbey—October 28, 1872, to serve four years from date.
7. Jackson, Jennings, Bartholomew, Lawrence:
   Ralph Applewhite—October 26, 1860, to serve four years from date. Resigned August 28, 1862.
   Simon Stansifer—August 28, 1862, appointed.
   Beattie McClellan—November 1, 1862, to serve four years from October 26, 1860.

Jeptha D. New—October 29, 1864, to serve four years from November 1, 1864.

Frank Emerson—November 2, 1868, to serve four years from date.

Frank Emerson—October 28, 1872, to serve four years from November 2, 1872.

8. Morgan, Johnson, Shelby, Monroe, Brown:

George A. Buskirk—October 26, 1860, to serve four years from date.

Oliver J. Glessner—October 26, 1864, to serve four years from date.

Thomas W. Woollen—October 31, 1868, to serve four years from date.

Richard L. Coffee—October 15, 1870, to serve until successor is elected.

Richard L. Coffee—October 24, 1870, to serve four years from date.

9. Greene, Clay, Owen, Putnam:

Frederick T. Brown—October 25, 1860, to serve four years from date.

William M. Franklin—October 22, 1864, to serve four years from October 28, 1864.

Harry Burns—November 2, 1868, to serve four years from date.

Harry Burns—October 28, 1872, to serve four years from November 2, 1872.

10. Vigo, Pike, Sullivan:

Chambers Y. Patterson—October 20, 1860, to serve four years from date.

Samuel F. Maxwell—October 31, 1864, to serve four years from November 1, 1864.

John T. Scott—November 2, 1868, to serve four years from date.

John T. Scott—October 28, 1872, to serve four years from November 2, 1872.

11. Rush, Henry, Hancock, Madison, Decatur (Rush and Decatur taken out and put in Twenty-second district, February 26, 1867):

William Grose—October 25, 1860, to serve four years from date. Resigned August, 1861.

Elijah B. Martindale—August 31, 1861, appointed.

David S. Gooding—October 18, 1861, to serve four years from October 5, 1860. Resigned September 10, 1864.

William R. West—September 12, 1864, appointed, vice David S. Gooding, resigned.

William R. West—October 31, 1864, to serve four years from October 25, 1864.

William R. West—November 2, 1868, to serve four years from October 25, 1868.

Robert L. Polk—October 28, 1872, to serve four years from date.

12. Marion, Hendricks, Boone (Boone taken out and put in Twenty-fourth district, March 11, 1867):

John Coburn—October 24, 1860, to serve four years from date. Resigned September, 1861.

Charles A. Ray—September 30, 1861, appointed.

Charles A. Ray—November 1, 1862, to serve four years from October 24, 1862. Resigned December 7, 1864.

Solomon Blair—December 13, 1864, appointed, vice Charles A. Ray, resigned December 7, 1864.

Solomon Blair—November 23, 1865, to serve four years from date.

Solomon Blair—October 24, 1870, to serve four years from date.

Livingston Howland—February 25, 1871, appointed to serve until successor is elected.

William Irving—October 24, 1872, to serve four years from date.

13. Montgomery, Vermilion, Fountain, Warren:

Isaac Naylor—October 25, 1860, to serve four years from date.

Isaac Naylor—November 4, 1864, to serve four years from October 28, 1864.

Joseph Ristine—November 17, 1868, to serve four years from date.

Albert D. Thomas—October 28, 1872, to serve four years from November 17, 1872.

14. Hamilton, Tipton, Clinton, Howard, Grant (Clinton taken out and put in the Twenty-fourth district, March 11, 1867):

John Green—October 25, 1860, to serve four years from date.

Nathaniel R. Lindsey—November 4, 1864, to serve four years.

William Garver—February 4, 1865, appointed, vice Nathaniel R. Lindsey, resigned.

William Garver—November 13, 1865, to serve four years from date.

William Garver—October 24, 1870, to serve four years from date.

William Garver—October 28, 1872, to serve four years from October 24, 1872.

15. Tippecanoe, Benton, White, Carroll (Tippecanoe was taken out and put in Twenty-third district, March 11, 1867):

Gustavus A. Wood—October 25, 1860, to serve four years from date. Resigned July 1, 1861.

David P. Vinton—July 1, 1861, appointed, vice Gustavus A. Wood, resigned.

David P. Vinton—October 28, 1861, to serve four years from October 25, 1860.

David P. Vinton—November 11, 1864, to serve four years from October 25, 1864.

Alfred Reed—March 12, 1867, appointed.

Bernard F. Schermerhorn—November 4, 1867, to serve four years from date.

Alfred Reed—October 1, 1869, to serve four years from date.

Alfred Reed—October 28, 1872, to serve four years from October 1, 1873.

16. Lake, Porter, Jasper, Starke, Pulaski (Newton county was placed in Sixteenth district when the county was organized in 1859. Pulaski was placed in the reorganized Twenty-first district with the act of February 15, 1871):

William C. Talcott—October 25, 1860, to serve four years from date.
William C. Talcott—November 4, 1864, to serve four years from October 28, 1864.
Hiram A. Gillett—November 2, 1868, to serve four years from date.
Hiram A. Gillett—October 28, 1872, to serve four years from November 2, 1872.

17. Laporte, Marshall, St. Joseph, Elkhart:
Elisha Egbert—October 25, 1860, to serve four years from date.
Elisha Egbert—November 4, 1864, to serve four years from October 28, 1864.
Elisha Egbert—November 2, 1868, to serve four years from October 28, 1868.
Edward J. Wood—November 17, 1870, to serve four years from date.
Daniel Noyes—October 25, 1872, to serve four years from October 25, 1872.

18. Randolph, Delaware, Jay, Blackford:
Jacob M. Haynes—October 25, 1860, to serve four years from date.
Jacob M. Haynes—November 4, 1864, to serve four years from October 28, 1864.
Jacob M. Haynes—November 2, 1868, to serve four years from October 28, 1868.
John J. Cheney—November 22, 1871, to serve until successor is elected.
John J. Cheney—October 28, 1872, to serve four years from date.

19. Lagrange, Steuben, Dekalb, Noble, Whitley.
William M. Clapp—October 25, 1860, to serve four years from date.
William M. Clapp—November 4, 1864, to serve four years from October 28, 1864.
William M. Clapp—November 2, 1868, to serve four years from October 28, 1868.
William M. Clapp—October 25, 1872, to serve four years from October 28, 1872.

20. Allen, Adams, Huntington, Wells:
Joseph Breckenridge—October 27, 1860, to serve four years from date.
James W. Borden—November 2, 1864, to serve four years from date.
Robert S. Taylor—October 29, 1869, to serve four years from date.
David Studebaker—November 2, 1868, to serve four years from date.
Robert S. Taylor—September 1, 1869, to serve until successor is elected.
William W. Carson—October 24, 1870, to serve four years from date.
Samuel E. Sinclair—September 5, 1872, vice William W. Carson, resigned.
Samuel E. Sinclair—October 28, 1872, to serve four years from date.

21. Cass, Miami, Fulton, Kosciusko, Wabash (Cass and Miami counties, of the Twenty-first district, and Pulaski, of the Sixteenth, were constituted the Twenty-fifth by the act of February 15, 1871):

Kline G. Shryock—October 26, 1860, to serve two years from date.
David D. Dykeman—November 1, 1862, to serve four years from October 26, 1862.
Thomas C. Whiteside—May 12, 1865, appointed, vice David D. Dykeman, resigned.
Thomas C. Whiteside—November 13, 1865, to serve four years from November 23, 1865.
Daniel P. Baldwin—August 25, 1870, to serve until successor is elected.
James H. Carpenter—October 24, 1870, to serve four years from date.
James H. Carpenter—October 28, 1872, to serve four years from October 24, 1872.

22. Rush, Decatur, Ripley (Rush and Decatur were taken from the Eleventh district and Ripley from the Fifth, February 20, 1867):
William A. Cullen—March 12, 1867, appointed.
William A. Cullen—October 30, 1867, to serve four years from date.
William A. Moore—October 28, 1870, to serve four years from October 30, 1871.
William A. Moore—February 18, 1871, to serve until successor is elected.
William A. Moore—October 28, 1872, to serve four years from date.

23. Tippecanoe, Warren (Tippecanoe was taken from the Fifteenth district and Warren from the Thirteenth, March 11, 1867):
James Park—March 25, 1867, appointed.
John M. LaRue—October 19, 1867, to serve four years from date.
John M. LaRue—October 24, 1870, to serve four years from October 19, 1871.

24. Boone, Clinton (Boone was taken out of the Twelfth district and Clinton out of the Fourteenth, March 11, 1867):
Thomas J. Cason—March 14, 1867, appointed.
Thomas J. Cason—October 30, 1867, to serve four years from date.
Truman H. Palmer—October 24, 1870, to serve four years from October 30, 1871.

25. Cass, Miami, Pulaski (Cass and Miami, of the Twenty-first, and Pulaski, of the Sixteenth, were constituted the Twenty-fourth by act of February 15, 1871):
Daniel P. Baldwin—February 20, 1871, appointed.
John Mitchell—October 28, 1872, to serve four years from date.

COURTS OF CONCILIATION.

The Constitutional convention of 1850 spent more time discussing the judiciary than any other one topic. The members of the convention were agreed that the old system was

very unsatisfactory, but they could not agree on the way it should be revised. The provision for such a court as a Court of Conciliation shows that the convention was struggling to provide a judicial body to handle such cases as might not come under the purview of the Circuit or Common Pleas courts. The basis for the establishment of a Court of Conciliation is found in section 19 of Article VII and reads as follows:

"Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunal or court."

Historical precedent for such courts may be found in Sweden and Norway, where the courts made their appearance in the eighteenth century. Such courts were established in Denmark by Christian VII under a decree dated December 7, 1792. They made their first appearance in America on the island of Santa Cruz in the West Indies, an island which belonged to Denmark. Shortly after their establishment on this island in the latter part of the eighteenth century they became known in the United States and some of the states had recognized them by statutory provisions before Indiana adopted them in 1851.

Pursuant to the provision in the Constitution of 1851 the Legislature passed the act of June 11, 1852, creating Courts of Conciliation and placing them in charge of the judges of the Common Pleas courts. It was the evident intention of the Legislature in establishing this court to provide a tribunal which should be given exclusive jurisdiction of all causes involving slander, libel, malicious prosecution and false imprisonment. The statute also provided that the court should have jurisdiction over certain kinds of claims for indebtedness, but in all such cases the parties to the action had to voluntarily appear before the judge and leave the adjudication of the cause to the judge without the intervention of a jury. It must

be understood that no jury was provided for in Courts of Conciliation.

The title given this court sufficiently indicates its general nature. It was essentially a tribunal where efforts were made to settle differences without the formality of a trial and without any of the expense which attended litigation in the Circuit courts. For instance, if a husband and wife came to the conclusion that they wanted a divorce they appeared before the Judge of this court and made a statement of their grievances. The Judge then informed them of the law in the case and endeavored to help them reconcile their differences. In case he was successful he made an entry on the docket stating the nature of their respective complaints, their agreement to effect a reconciliation and required both parties to sign the statement. The value of this agreement lay in the fact that both parties were ever afterwards debarred from bringing a similar action in court.

It must be understood that this court was advisory in nature and the Judge officiated as an umpire or referee between parties having grievances. Practically all of the cases which came before this court were merely friendly efforts to adjudicate differences without having to resort to the Circuit court. Consequently, the value of the court depended in a large measure on the confidence which the people who appeared before the court had in its Judge, but, as a rule, the court was not held in high favor by the public. The method of recovering damages in slander suits was especially unsatisfactory and, since such cases constituted a majority of the actions, the Legislature was importuned to abolish the court. This was done with the act of November 30, 1865, and it appears from the wording of the act that no cases were then pending in any of the Courts of Conciliation of the state. Since its jurisdiction had been taken out of that of the Circuit court, the latter court again assumed cognizance of all causes which had been handled by the Court of Conciliation.

CRIMINAL COURTS.

The establishment of Criminal courts dates back to the act of December 20, 1865, which is an amendment to the act

of June 1, 1852, establishing the Circuit courts. The jurisdiction of the Circuit court was divided by Section 2 of the act of 1865 into three parts, one to be called the _____ Circuit court, one the _____ Civil court and one the _____ Criminal court, according to the name of the county. The latter, or Criminal, court was given "original exclusive jurisdiction of all felonies and all misdemeanors, except as provided by law for justices of the peace and shall have such appellate jurisdiction in all criminal actions, as is or may be provided by law for the Circuit court; and the Criminal Circuit court shall be organized and hold in all counties having ten thousand voters or more therein, which fact is to be ascertained by the governor, and certified by him to the clerks of such counties; and in all counties in which the Criminal Circuit court is organized, the Civil Circuit court shall have no criminal jurisdiction, but shall have only the jurisdiction of the Circuit court in civil cases."

The act of December 20, 1865, made no provision for Judges of the Criminal Circuit courts, but the act of December 21, 1865, establishing the Sixteenth judicial circuit (Marion county) provided for the establishment of a Criminal court in Marion county, whose Judge was to be appointed by the governor until the next general election should elect his successor.

The Legislature created the Criminal court because it was found that there were so many criminal cases in some of the more populous counties that it was impossible for the Circuit court to handle them. Marion county established the first Criminal court in 1865 and by 1869 there were seven other Criminal courts created. When provision was first made for Criminal courts they were designated as "Criminal Circuit courts" and they were so known generally until the act of April 12, 1881, changed their title to "Criminal courts." The act of March 1, 1869, made it possible for all counties with a voting population of only six thousand to have a Criminal court and the same year three additional Criminal circuits were created by the Legislature. This act remained on the statute books until it was repealed by the act of 1881. This latter act left only two Criminal courts in the state, Marion and Allen. The Vigo Criminal court was still in existence,

but this act provided "That the said Criminal court in Vigo county, shall cease to exist after the third Monday in November, 1882." However necessary the establishment of these courts may have been, it was soon felt that they were not satisfactory. Whether this was due to the limitations placed upon their jurisdiction, the character of the judges presiding over them, or the value placed upon them by the lawyers practicing before them, are questions of varying opinions. Undoubtedly the decline of criminal business within the first decade after the close of the Civil War was a large factor in bringing about their downfall. After the abolition of the Allen Criminal court in 1883, the Marion county Criminal court was the only one left in the state. This court has now had a continuous existence of half a century. A summary of the Criminal courts of the state, with the number of their circuit, the dates of their creation and abolishment, is set forth in the following table:

CRIMINAL CIRCUIT COURTS.

Circuit.	*County.*	*Created.*	*Abolished.*
16	Marion	December 21, 1865	
19	Tippecanoe	March 9, 1867	March 9, 1875
20	Allen	March 9, 1867	February 27, 1883
21	Wayne	March 9, 1867	March 7, 1873
24	Vigo	March 1, 1869	April 8, 1881
27	Floyd-Clark	April 23, 1869	February 8, 1877
28	Vanderburgh	May 13, 1868	March 3, 1877
29	Jefferson	May 13, 1868	February 16, 1871

CRIMINAL COURT JUDGES.

Name.	*Circuit.*	*Date.*
Alford, Fremont	Marion	1898-1906
Ayres, Albert F.	Marion	1886-1887
Bickle, William A.	Wayne	1877-1878
Borden, James W.	Allen	1867-1870
Breckinridge, Joseph	Allen	1870-1874
Buskirk, Edward C.	Marion	1871-1878
Butler, John H.	Floyd and Clark	1869-1870
Butterfield, Charles A.	Vanderburgh	1870-1872
Chapman, George H.	Marion	1867-1870
Collins, James A.	Marion	1915, term expires 1920
Crane, John G.	Vigo	1869-1870

Cravens, John R.	Jefferson	1870-1872
Cox, Millard F.	Marion	1890-1894
Dunham, Cyrus L.	Floyd and Clark	1870-1874
Elliott, Byron K.	Marion	1870-1872
Fay, James A.	Allen	1867
Fox, Henry C.	Wayne	1878-1879
Hargrave, William P.	Vanderburgh	1872-1877
Heller, James E.	Marion	1878-1886
Hester, Melville C.	Floyd and Clark	1870
Holland, George	Wayne	1869-1873
Irwin, William	Marion	1887-1809
Long, Thomas B.	Vigo	1870-1882
Markey, Joseph T.	Marion	1910-1915
McCray, John F.	Marion	1894-1898
Norton, Pierce	Marion	1882-1886
Peele, William A.	Wayne	1867-1869
Pritchard, James A.	Marion	1906-1910
Robinson, Andrew L.	Vanderburgh	1869-1870
Smith, Thomas L.	Floyd and Clark	1874-1877
Sullivan, Jeremiah	Jefferson	1869-1870
Test, Charles H.	Marion	1872-1874
Withers, Warren H.	Allen	1882-1884

SUPERIOR COURTS.

It is difficult to understand at the present time why additional Circuit courts were not established in 1871 to take care of the increasing amount of business instead of creating a new kind of a court, but the fact remains that the Legislature preferred to do so. On February 15, 1871, the Legislature passed an act creating a Superior court to consist of three judges "in any county in the state, wherein is situated an incorporated city containing, according to the returns of the census taken under and by the authority of the government of the United States in the year 1870, a population of not less than forty thousand inhabitants."

The jurisdiction of the newly created court was carved out of that of the Circuit court, and consisted of "original concurrent jurisdiction with the Circuit court, and court of Common Pleas in all civil causes except slander, and except such causes of which the court of Common Pleas now has original exclusive jurisdiction, and concurrent with the Circuit court and court of Common Pleas, in all cases of appeal from

justices of the peace, boards of county commissioners, and mayor's or city courts, and all other appellate jurisdiction now vested in or which may hereafter be vested by law in Circuit courts or courts of Common Pleas; and said court shall also have concurrent jurisdiction in all action by or against executors or administrators." This jurisdiction has not been substantially changed. These courts fill the place evidently designed for the so-called "Civil Circuit courts" mentioned in the act of December 20, 1865.

The restriction of the Superior court to counties having cities with a population of forty thousand made it possible for only one county in the state—Marion—to have such a court. Subsequent legislation made it possible for counties of smaller population to have a Superior court, or for two counties to be united in a circuit for Superior court purposes. Since 1871 there have been twenty-four Superior courts established in the state, some under general acts and others under special acts. Some of these courts have been discontinued and others divided or united with other counties. The history of each Superior court in the state is given in the various counties where they were established. The following table exhibits all the Superior courts now in existence:

County.	*Established.*
Allen	March 5, 1877
Elkhart	February 21, 1913
Grant and Delaware	March 1, 1909
Lake	March 8, 1907
Laporte and Porter	March 8, 1907
Madison	February 27, 1895
Marion	February 15, 1871
St. Joseph	February 21, 1913
Tippecanoe	March 9, 1875
Vanderburgh	March 3, 1877
Vigo	April 8, 1881

Four counties have had Superior courts which are now abolished, namely: Cass, Wayne, Howard and Shelby. Cass and Wayne counties retained Superior courts only a short time; Howard county was united with Grant county for twelve years; Shelby and Marion counties were united for two years. Three other Superior circuits as originally established con-

taining two or more counties, have either been separated or united with other counties in a new circuit. The following table shows not only the counties in which Superior courts have been abolished, but also those circuits which have been divided or united with other counties:

County.	Established.	Abolished.
Cass	March 3, 1877	April 2, 1881
Wayne	March 10, 1877	February 12, 1879
Grant and Howard	February 10, 1897	March 1, 1909
Elkhart and St. Joseph	January 31, 1907	February 21, 1913
Shelby and Marion	March 1, 1911	January 29, 1913
Laporte, Porter and Lake	March 9, 1895	March 1, 1909

Since the creation of the Superior court in 1871 there have been seventy-five judges who have presided over their courts in those counties where they were established. The complete list of judges is given in the appended table, together with the dates of the service of all except those of Madison county. The commissions of the judges of that county were not found and the local authorities were unable to furnish the dates of the service of these judges.

Judge.	Court.	Tenure.
Allen, James M.	Vigo	1883-1891
Austill, H. Clarence	Madison	
Bartholomew, Pliny W.	Shelby-Marion	1908-1914
Beal, Fred W.	Vigo	1915-1919
Becker, Lawrence	Lake—Room 2	1911-1914
Blair, Solomon	Marion—Room 2	1871-1876
Brownlee, Hiram J.	Grant-Howard	1897-1902
Burns, David V.	Marion—Room 4	1878-1879
Burns, Harry M.	Marion—Room 3	September-October, 1876
Carter, Vinson	Marion—Room 3	1896-1912
Cass, John	Laporte	1895-1897
Chapin, Augustus A.	Allen	1886-1890
Clifford, Vincent G.	Marion—Room 4	1914-1918
Collier, Joseph	Marion—Room 2	1910-1914
Cox, John E.	Vigo	1907-1915
Crumpacker, Harry L.	Laporte	1915-
Dawson, C. M.	Allen	1890-1899
Diven, William S.	Madison	
Dyer, Azro	Vanderburgh	1877-1890
Elliott, Byron K.	Marion—Room 3	1876-1880
Elliott, Patrick H.	Delaware-Grant-Howard	1906-1911
Ellis, W.	Madison	
Everett, Frank B.	Tippecanoe	1888-1894

Judge.	Court.	Tenure
Ford, George	St. Joseph	1915-1919
Foster, John H.	Vanderburgh	1894-1895
Gilchrist, Alexander	Vanderburgh	1905-1910
Greenlee, Cassius M.	Madison	
Greenwald, Charles E.	Lake—Room 3	1911
Hanna, Charles T.	Shelby-Marion	1907-1908
Hardy, Walter T.	Lake—Room 2	1911
Harman, James L.	Elkhart	1913-1919
Harness, B. F.	Grant-Howard	1902-1906
Harper, James W.	Marion—Room 2	1890-1894
Harvey, Lawson M.	Marion—Room 2	1894-1898
Hay, Linn D.	Marion—Room 2	1911-1918
Heaton, O. N.	Allen	1902-1911
Henry, David W.	Vigo	1895-1897
Hench, Samuel M.	Allen	1884-1886
Holman, John A.	Marion—Room 1	1877-1882
Hostetter, Fred M.	Vanderburgh	1910-1918
Howe, Daniel W.	Marion—Room 2	1876-1880
Kopelke, Johannes	Lake—Room 3	1911-1911
Larue, J. M.	Tippecanoe	1876-1888
Leathers, James M.	Marion—Room 2	1898-1910
Lowry, Robert	Allen	1878
McMaster, James L.	Marion—Room 1	1891-1910
McNutt, Cyrus F.	Vigo	1891-1895
Maier, Peter	Vanderburgh	1890-1894
Moll, Theophilus J.	Marion—Room 5	1911-1918
Nelson, John C.	Cass	1877-1881
Ninde, Lindley M.	Allen	June November, 1884
Newcombe, Horatio C.	Marion—Room 1	1872-1877
Perkins, Samuel E.	Marion—Room 1	1872-1877
Rand, Frederick	Marion—Room 1	1871-1872
Reiter, Virgil S.	Lake	1907
Rhoads, Baskin E.	Vigo	1881-1883
Robison, Charles J.	Marion—Room 1	1910-1914
Rochford, John J.	Marion—Room 3	1912-1916
Ryan, Henry C.	Madison	
Stimson, Samuel C.	Vigo	1897-1907
Taylor, Napoleon B.	Marion—Room 1	1882-1887
Thornton, William W.	Marion—Room 1	1911-1918
Tuthill, Harry B.	Laporte	1897-1905
Van Atta, Robert M.	Grant	1910-1918
Van Fleet, Vernon W.	Elkhart-St. Joseph	1907-1911
Vesey, William J.	Allen	1899-1902
Vinton, Henry H.	Tippecanoe	1901-1918
Walker, Lewis C.	Marion—Room 3	1880-1892

Judge.	Court.	Tenure.
Wallace, W. Dewitt	Tippecanoe	1894-1901
Ward, T. B.	Tippecanoe	1875-1876
Weir, Clarence E.	Marion—Room 4	1908-1914
Williams, Myron B.	Marion—Room 4	1877-1878
Winter, James M.	Marion—Room 1	1893-1894
Worden, James L.	Allen	1882-1884
Zollars, Allen	Allen	1877-1878
Yaple, Carl	Allen	1914-1918

COURT OF CLAIMS.

The present Court of Claims was not established until 1889, the legislative act of March 9 of that year establishing such a court. The basis for the court is found in section 24, article IV, of the Constitution of 1851, which states that "Provision may be made, by general law, for bringing suit against the state, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the state, shall ever be passed." It seems strange that so many years elapsed after the adoption of the present Constitution before advantage was taken of this provision in the Constitution. But such is the case.

The act of 1889 designated the Marion County Superior court as a Court of Claims, in which anyone having a claim against the state might bring suit. The act further provided that the attorney-general of the state should appear in its behalf in all such suits. However, the act did not endow the court with the power to enforce the payment of a judgment, but provided that in case judgment was rendered against the state the Legislature should pass an act appropriating a sufficient mount to offset the judgment. Nor is the state obligated to abide by the decision of the Court of Claims, even though it may recognize the justice of the claim against it, but may, if it so chooses, repudiate the entire amount of the judgment or any part of it.

In other words, the state reserves the right to pay any judgment which it may please, whether it be the entire amount of judgment awarded by the court, or such part of it as it may choose. In the latter case, that is, if the Legislature appro-

priates only a part of the award, the plaintiff is forever debarred from recovering the remainder of the judgment.

This would seem to effectually debar any ordinary creditor from bringing suit against the state. Fortunately, there is another avenue by which a citizen may obtain a judgment against his state. The Supreme court has ruled that anyone having a claim against the state may present it directly to the Legislature, but if that body chooses to allow only a part of the claim, the plaintiff must accept such an amount as the Legislature grants, and not seek additional damages from the Court of Claims.

The amendment of March 11, 1895, provided that there should be a fifteen-year limit to all claims against the state, except in the case of such vouchers and warrants as were issued and signed under authority of the law by any board of directors or control of the Northern Indiana State Prison. As the court was originally created, all claims were outlawed at the expiration of fifteen years and the amendment of 1895 made an exception to this provision as just stated.

This court has not been used for the purpose for which it was designated by the Legislature. There are various reasons for this: the expense of trial, the delay in securing a judgment and the attendant inconvenience of the plaintiff if he happened to live outside of Marion county. As a matter of fact, the Legislature is the final arbiter of all claims against the state and is not only the judge as to whether the claim shall be paid, but also must make the necessary appropriation to satisfy any judgment which it accepts.

JUVENILE COURTS.

In response to demands from various social organizations, the General Assembly, March 10, 1903, established a Juvenile court in every county in the state with a population of one hundred thousand inhabitants, which limitation restricted the establishment of such courts to Marion county. Its judge is to be elected by the voters and receives an annual salary of four thousand dollars. The Juvenile court has "jurisdiction in all cases relating to children, including juvenile delinquents, truants, children petitioned for by board of children's

guardians, and in all other cases where the custody or legal punishment of children is to question, by said court shall not have probate jurisdiction." In all other counties the above powers were conferred on the Circuit court Judge when sitting as a "Juvenile court" judge. The executive officer of this court is called a "probation" officer and is appointed by the Circuit Judge. A procedure entirely different from that in the Circuit court is provided. A full discussion of the court will be found in Volume II in the chapter on Marion county.

PROBATE COURT.

Under the old Constitution there was a Probate court in each county in the state. Those were abolished in 1852, and from that date until 1873 all probate matters were cognizable by the Common Pleas courts; from 1873 until 1907 the jurisdiction over probate matters was placed in the Circuit Court. By the act of March 9, 1907, a Probate court was established in all counties containing an incorporated city of not less than one hundred thousand population. The population provision, of course, restricted the establishment of such a court to Marion county. Its one Judge was to be elected by the voters; its other officers were the same as those of the Circuit court. It was given "original exclusive jurisdiction in all matters pertaining to the administration and settlement of the estates of minors, insane persons, habitual drunkards, insolvents, estates of deceased persons, assignments, adoptions and surviving partnerhips; and concurrent jurisdiction in proceedings for partition; applications for writs of habeas corpus; proceedings concerning wills; suits for divorce and alimony; and all suits by and against executors, administrators, guardians, assignees, and trustees." The salary of its judge is the same as that of the judge of the Circuit court. Appeals from it lay to the Supreme court, just as from the Circuit court. There is only one such court in the state and a further description will be found in the chapter on Marion county in Volume II.

JUSTICES OF THE PEACE.

The Constitution of 1850 provides for justices of the peace by directing that a sufficient number be elected in each town-

ship of the several counties. The Constitution also gives them a four-year-term, but leaves their powers and duties to be prescribed by the General Assembly. The General Assembly has fixed the number at present at not more than two for each township and one in addition for each incorporated town and one in addition for each incorporated city (Acts 1913, p. 834). In a county having a city of one hundred thousand there shall not be more than five. With these limitations the regulation of the number is turned over to the board of county commissioners.

Each justice has an executive officer, called a constable, who, like the justice, is elected on a township ticket. The justice must keep his own docket and furnish his own office. All remuneration in these courts is in the form of fees. In a criminal case, if the accused be acquitted, neither the justice nor the jurors receive any fee; if convicted, the prisoner pays the justice and constable and the jury, if one is called. In civil cases a justice is limited in his jurisdiction to his own township: in a criminal case his power is co-extensive with the county. Rules of evidence are supposed to be the same as in the Circuit court. In general, his criminal jurisdiction is confined to misdemeanors, and civil jurisdiction to recoveries of money judgments for one hundred dollars or less, except in case of confession of judgment, when it extends up to three hundred dollars. Practically all his jurisdiction is concurrent. In cities of more than forty-five thousand the justices are obligated to maintain an office and "shall keep their offices open every day, Sundays and legal holidays excepted, during such hours as the business thereof shall require."

JURIES.

The laws and regulations concerning petit and grand juries have remained substantially the same through the century. Under the present Constitution the practice is necessarily the same throughout the state. According to the act of March 3, 1913, "In causes tried by jury, a jury fee of four dollars and fifty cents shall be taxed as costs in favor of the county. Jurors, grand and petit, shall be paid two dollars and fifty cents per day while in actual attendance, and five cents for each mile necessarily traveled."

Petit juries are drawn by two jury commissioners, who, according to statute, must be of opposite political faith. These commissioners receive three dollars per day for the time actually occupied in filling the box. The larger number of indictments tried by the Circuit court is presented by the grand jury. There is no serious opposition to the grand jury now, such as existed in 1850 when the constitutional convention threatened to abolish it.

The sheriff of the county, a constitutional officer, is elected by the voters for a term of two years, and is the executive officer of all the minor courts except the justice of peace, city, juvenile and probate courts. The clerk of the Circuit court, also a constitutional office, is elected by the voters of the county for a term of four years. He is a clerk of all the minor courts with the exceptions noted above. The records of all the courts are kept at the county seat, with the exception of the city and justice court records. All the cities of the state with mayor or police courts have city buildings in which the courts are held.

CITY COURTS.

In cities of the first, second, third and fourth classes there are city courts, presided over by a judge elected by the voters for a term of four years. In cities of the fifth class the mayor acts as judge. It seems pertinent in this connection to give the substance of the act of 1909, which classified the cities of Indiana. This act divided all the cities of the state into five classes based upon population.

The first class included all cities having a population of 100,000 or over according to the last preceding census, Indianapolis, with a population of 233,650, is the only city of this class. James E. Deery is the Judge.

Cities having a population of 35,000 or over, and less than 100,000, according to the last preceding United States census, are denominated cities of the second class. The four cities of this class, with their population and present police judges, are given in the following table:

Evansville	Rudolph Fritsch	69,647
Ft. Wayne	H. W. Kerr	63,933
South Bend	Herbert Warner	53,684
Terre Haute	R. Voorhees Newton	58,157

Cities having a population of 20,000 or over and less than 35,000, according to the last preceding United States census, are denominated cities of the third class. There are six cities in this class, namely:

Anderson	J. H. Mellett	22,476
Muncie	Ralph S. Gregory	24,005
New Albany	Robert W. Morris	20,629
Hammond	Fred Barrett	20,925
Lafayette	Thomas Bauer	20,081
Richmond	William J. Robbins	22,321

Cities having a population of 10,000 or over and less than 20,000, according to the last preceding United States census, and also having taxable property to the amount of $5,000,000 or over, are denominated cities of the fourth class. There are twelve cities in this class, namely:

Elkhart	C. A. Lee	19,282
Elwood	F. M. Harbit	11,028
Huntington	A. J. Rosebrough	10,272
East Chicago	William A. Tuzy	19,098
Gary	William M. Dunn	16,802
Kokomo	Fred J. Byers	17,010
Logansport	James A. West	19,050
Marion	James O. Batchelor	19,359
Michigan City	Edward L. Church	19,027
Mishawaka	Ralph Freig	11,887
Vincennes	James House	14,895
Laporte	D. H. McGill	10,525
Whiting	Roy E. Green	6,587

Cities with a population of from 10,000 to 20,000, but with taxable property amounting to less than $5,000,000, belong to the fifth class along with all cities having a population of less than 10,000. However, there is one city in the State—Whiting—which, with a population of 6,587, belongs to the fourth class because it has taxable property in excess of $5,000,000. The cities of this class number seventy-two. They follow:

Alexandria_____James S. Wales
Angola_____Thomas J. Creel
Attica_____Will B. Reed
Auburn_____J. Y. W. McClellan
Aurora_____Thomas C. Carmichael
Batesville_____Charles W. Gibson
Bedford_____Albert J. Fields
Bicknell_____Tyler G. Lawton
Bloomington_____John G. Harris
Bluffton _____John Mock
Boonville_____Nat H. Youngblood
Brazil_____John J. Jones
Butler_____A. A. Kramer
Cannelton_____L. J. Truempy
Clinton_____Morgan J. Tucker
Columbia City_____F. L. Myers
Columbus_____H. Earl Volland
Connersville _____Philip Braum
Covington____Thomas H. McGeorge
Crawfordsville__William C. Murphy
Crown Point_____Edward A. Krost
Decatur_____Charles H. Cristen
Delphi_____William C. Smith
Dunkirk_____O. P. Martin
Frankfort_____ Oliver Gard
Franklin_____George W. Wyrick
Garrett_____J. A. Clevenger
Gas City_____L. H. Conley
Goshen_____Samuel F. Spohn
Greenfield____Jonathan Q. Johnson
Greencastle_____J. Walter Cooper
Greensburg_____J. E. Mendenhall
Hartford City_____Ethan Secrest
Huntingburg_____ Philip Bamberger
Jasper_____George B. Wagner
Jeffersonville_____Ernest W. Rauth
Kendallville_____Clinton M. Case
Lawrenceburg_____Estal G. Bielby
Lebanon_____John B. Shelby
Ligonier_____J. B. Schutt
Linton_____J. E. Turner
Loogootee_____Will K. Penrod
Madison_____James E. Crozier
Martinsville_____John W. Anderson
Mitchell_____ Calvin Farris
Monticello_____Benjamin F. Carr
Montpelier_____T. C. Neal
Mount Vernon _____Alonzo K. Grant
New Castle _____J. L. Watkins
Noblesville _____E. C. Loehr
North Vernon _____J. D. Cone
Peru _____W. A. Hammond
Plymouth _____Joseph C. Whitesell
Portland _____C. A. Paddock
Princeton _____Doris R. Head
Renssalaer _____Charles G. Spitler
Rising Sun _____Samuel M. Seward
Rochester _____William Brinkman
Rockport _____J. J. Rimstidt
Rushville _____Clata L. Bebout
Seymour _____John A. Ross
Shelbyville _____Henry Schoelch
Sullivan _____Robert Calvert
Tell City _____Fred G. Heinzle
Tipton _____J. A. Lewis
Valparaiso _____Perry L. Sisson
Veedersburg _____F. J. Batson
Vevay _____R. M. Campbell
Wabash _____James Wilson
Warsaw __Benjamin F. Richardson
Washington _____John W. McCarty
Winchester ____Harvey E. McNees

As may be seen from a tabulation of the above cities, there are twenty-four which have a city court presided over by a judge elected by the people. In the cities of the fifth class, seventy-two in number, the mayor presides over the local court. The city judges are popularly known as "police" judges and have "exclusive jurisdiction over all violations of the city ordinances." They also have original concurrent jurisdiction over all cases of petit larceny and all other violation of the laws of the state where the penalty provided

exceeds five hundred dollars or imprisonment for six months, or both. If the judge finds his power is not adequately sufficient to punish the accused, he may bind him over to a higher court. The executive officer is a policeman and the action of the court is summary, the great majority of the cases being disposed of without lawyer or jury. An appeal lies to the Circuit court or Criminal court.

CHAPTER XII.

Appellate Court.

The creation of the Appellate court with the Legislative act of February 28, 1891, was made possible by an amendment to section 1, article VII, of the Constitution. This amendment, which had been adopted March 4, 1881, substituted the word "other" for the word "inferior," making the section read "The judicial power of the state shall be vested in a Supreme court, in Circuit courts and in such other courts as the General Assembly may establish."

The causes leading up to the creation of this court are not difficult to enumerate. With the increase in population and the consequent increase in the amount of business handled by the various courts of the state—Circuit, Superior and Criminal—the Supreme court faced a situation by 1891 which made it imperative for the Legislature to provide some relief. The creation of the Supreme court commission of 1881 and 1889 was an effort on the part of the Legislature to relieve the congested condition of the Supreme court docket. When the Supreme court, in the spring of 1889, declared the act of February 22, 1889, unconstitutional, it was very evident that some other provision would have to be made by the succeeding Legislature. Accordingly, when the Legislature of 1891 convened there was an insistent demand that some provision be made to relieve the Supreme court and out of this demand grew the Appellate court.

It may be said that the Appellate court has not proved an altogether satisfactory tribunal of justice. When it was organized it was the intention that it should be a court of last resort in a large number of cases, but subsequent amendments to the act creating the court have made the court little more than a step between the inferior courts of the state and the Supreme court. As a matter of fact, practically every case

which is now appealed directly to the Appellate court is presented to that judicial body in such a way that it is possible to transfer it to the Supreme court.

As originally constituted, the Appellate court had final jurisdiction in all matters pertaining to guardianships and decedents' estates and it also had the exclusive right to foreclose statutory liens. At first the limit of its jurisdiction in actions to recover on contract or for a tort was fifteen hundred dollars, but the Legislature of 1893 (Acts 1893, p. 29) made radical changes in the act establishing the court two years previously and changed this provision to read "All actions seeking the recovery of a money judgment only, where the amount in controversy, exclusive of costs, does not exceed thirty-five hundred dollars" shall be placed under the exclusive jurisdiction of the Appellate court.

The act of February 16, 1893, designated ten different actions over which the Appellate court was given exclusive jurisdiction, among them being appeals in prosecutions for misdemeanors, appeals from justice of the peace judgments where the amount did not exceed fifty dollars; all actions between landlords and tenants involving the right to possession of premises; all cases against decedents' estates, administrators, guardians, executors and those having charge of infants, insane persons or idiots, and all cases of bastardy. In all cases where the jurisdiction was given to the Appellate court its decision was to be final.

In certain cases, however, which might involve some of the causes above enumerated, the right of final appeal lay to the Supreme court. Three exceptions are noted in the act of 1893. First, the Appellate court was not to have jurisdiction in any case where the constitutionality of a statute, federal or state, or the validity of an ordinance of a municipal corporation was in question. Secondly, it was not to have jurisdiction of suits in equity, that is, such suits in equity as were recognized prior to June 18, 1852, as suits of equitable recognizance and wherein specific decrees were appropriate and essential. Thirdly, the Appellate court was not to have jurisdiction where the title to real estate was at issue.

Since 1893 many changes have been made regarding the

jurisdiction of the Appellate court, with the result that it bears little resemblance to the court as it was established twenty-five years ago. As a matter of fact, it is no longer a court of *dernier resort*, since it is possible to prepare a brief on practically any kind of a case so that it can be transferred from the Appellate to the Supreme court. The State Bar Association has gone on record as favoring the abolition of the Appellate court and a sufficient increase in the number of members of the Supreme court to handle the business now transacted by both courts. But this change, however desirable it may be, is not possible until the Constitution is changed. As it now stands, the Supreme court is limited to five members and only an amendment to the Constitution can relieve the situation.

When the Appellate court was established it provided for five judges with a four-year tenure and at an annual salary of thirty-five hundred dollars. The terms of the first five judges were to expire on the first Monday in January, 1893. Four new judges were elected in the fall of 1892, but they were commissioned for terms of varying length; Reinhard for two years, Gavin and Davis for three years, and Lotz for four years, all commissions dating from the first Monday in January, 1893. An act of the Legislature, approved March 4, 1893, equalized the terms of these judges by providing "That the term of each of the judges of said Appellate court shall be four years from the first day of January after his election and that all of the present judges shall continue to hold their respective offices in the districts from which they have been elected for four years from the first day of January, 1893." A second act, approved February 7, 1899, extended the terms of the judges elected in 1896 to the first Monday of January, 1903. The act of March 12, 1901, added another member to the court and two years later the Legislature increased the salaries of the judges to six thousand dollars a year. Each judge is allowed the sum of one thousand dollars annually for stenographic and clerical work in the preparation of opinions. The Legislature also appropriates from fifteen hundred to two thousand dollars annually for office, chamber and library expense.

When the Appellate court was established in 1891 the state was divided into five districts, as follows:

The First district was composed of the following counties: Monroe, Owen, Clay, Parke, Morgan, Sullivan, Vigo, Greene, Knox, Daviess, Martin, Dubois, Pike, Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry and Orange.

The Second district was composed of the following counties: Ohio, Rush, Switzerland, Dearborn, Shelby, Brown, Lawrence, Crawford, Harrison, Floyd, Clark, Scott, Jefferson, Ripley, Decatur, Bartholomew, Jackson, Washington and Jennings.

The Third district included these counties: Tippecanoe, White, Johnson, Warren, Fountain, Montgomery, Clinton, Boone, Tipton, Hamilton, Marion, Vermillion, Putnam and Hendricks.

The Fourth district: Allen, Whitley, Huntington, Wells, Adams, Grant, Blackford, Delaware, Randolph, Jay, Howard, Madison, Hancock, Henry, Fayette, Union and Franklin.

The Fifth district: Lake, Benton, Porter, Laporte, St. Joseph, Elkhart, Kosciusko, Marshall, Starke, Jasper, Newton, Pulaski, Fulton, Wabash, Miami, Cass, Carroll, Lagrange, Steuben, Dekalb and Noble.

When the General Assembly, on March 12, 1901, created an additional Appellate Judge, the act also provided for dividing the state into two Appellate court districts, placing forty-six counties in each district.

The first district includes the following counties: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Marion, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union Vanderburgh, Vigo, Warrick and Washington.

The second district includes the following counties: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, Dekalb, Delaware, Elkhart, Fayette, Fountain, Fulton, Grant, Hamilton, Henry, Howard, Huntington, Jasper, Jay, Kosciusko, Lagrange, Lake, Laporte, Madison, Marshall,

Miami, Montgomery, Newton, Noble, Porter, Pulaski, Randolph, Starke, Steuben, St. Joseph, Tipton, Tippecanoe, Vermillion, Wabash, Warren, Wayne, Wells, White and Whitley.

As the court is now constituted, three judges are assigned to each district, Edward W. Felt, Milton B. Hottel and John C. McNutt having charge of all cases appealed from the First district, and Joseph G. Ibach, Fred S. Caldwell and James J. Moran having charge of all appealed cases of the Second district. Judge Felt is the Presiding Judge of the First district and Judge Ibach, the Chief Judge of the court, is Presiding Judge of the Second district. The other officials of the Appellate court at the present time are as follows: J. Fred France, clerk; Philip Zoercher, reporter; Harry W. Pemberton, sheriff; W. Cary Carson, librarian. The clerk and reporter are elected by popular vote, while the sheriff and librarian are appointees of the court.

Since the Appellate court was established in 1891 thirty Judges have sat on its bench. A brief sketch of each judge is given below:

Governor Hovey appointed the five Appellate Judges on March 12, 1891, pursuant to the act of February 28, establishing the court. The judges were James B. Black, Jeptha D. New, Milton S. Robinson, George L. Reinhard and Edgar D. Crumpacker. Judge New served until his death, July 9, 1892, and Governor Chase appointed Willard New, his son, to fill his father's unexpired term, or until January 1, 1893. Sketches of the News, father and son, have already been given.

James Buckley Black was born at Morristown, New Jersey, July 21, 1838. His parents, Michael Black and Jane (Whitesides) Black, were natives of Ireland, of Scotch-Irish descent, both being born in the north of Ireland. His parents were brought up in the established church, but became Methodists before emigrating to America after their marriage in Ireland. The family came to Indiana in 1846, where the father became a Methodist preacher and was attached to the North Indiana conference and other conferences of Indiana. James B. Black was educated in private schools. At sixteen he became a school teacher, earning thereby the

means of attending college. He spent three years as a student at Asbury University, Greencastle, and the first and second terms of the junior year at Indiana University, Bloomington. While a student at the State University he enlisted, in April, 1861, as a soldier in the Union army and was discharged three years and eight months later. He received the honorary degree of Master of Arts from Indiana University in 1875. He was admitted to the bar in 1866. In 1868 he was elected reporter of the Supreme court of Indiana, and in 1872 was re-elected to the same office. In the two terms he published twenty-four volumes of Indiana Reports. In politics he has always been a Republican. At various times he has been a member of the faculties of three law schools at Indianapolis. He served for a short period as a member of the board of school commissioners of Indianapolis. In 1882 he was elected by the Supreme court as a member of the Supreme court commission, in which capacity he served three years. He prepared Black's Indiana Digest of the Decisions of the Supreme Court of Indiana (73 to 144 Ind.) covering the years 1881-88.

Upon the creation of the Appellate court of Indiana he was appointed (March 12, 1891) by Governor Hovey as a member of the bench of that court. In 1892 he was nominated to that office by the Republican state convention, but was defeated with his ticket, and resumed the practice of law upon retiring from the bench, January, 1893. In 1896, 1898 and 1902 he was re-elected to the Appellate court, serving until January 1, 1907. He again resumed practice when he retired from public service. In 1873 he was married to Amelia Keith Pruddens, who died in 1910. He is a member of the Beta Theta Pi fraternity, the Military Order of the Loyal Legion, the Grand Army of the Republic, the Indianapolis Literary Club, the Indianapolis Shakespeare Club. He has resided at Indianapolis since his return from service in the army. For a number of years Judge Black was a member of the board of visitors of the Grand Army of the Republic to the Indiana Soldiers' and Sailors' Orphans' Home. He wrote the statute under which that institution was organized in 1887.

Milton S. Robinson was born at Versailles, Ripley county, Indiana, April 20, 1832, the son of Joseph and Margaret Jarvis Robinson. He was educated in the Greensburg schools and when seventeen years old began the study of law in his father's office. In June, 1851, he was admitted to the bar and located in Anderson. In 1861 he was elected to the House of Representatives and in September, 1861, joined the army practice, in which he continued till the latter part of 1910, as lieutenant colonel of the Forty-seventh Indiana Regiment of Volunteers. He served throughout the greater part of the war, returning to Anderson in March, 1865, because of ill health. While in the army he was breveted brigadier-general for gallant conduct. He resumed his practice and in 1866 was elected state senator, serving from 1867 and 1869. In 1874 he was elected to Congress from the sixth congressional district and re-elected in 1876. He was a director for many years of the Cincinnati, Wabash & Michigan railway. In 1891 he was appointed judge of the Appellate court, but served only until July 28, 1892, the date of his death. On July 8, 1856, he married Almira H. Ballard, who died, and he later married Louise A. Branham, of Columbus, Indiana.

Henry C. Fox was born January 20, 1836, in Preble county, Ohio, near West Elkton. His parents were Levi and Rebecca (Inman) Fox. He was reared on a farm, received a common school education and for six years taught school in Butler county, Ohio. He came to Indiana in 1859 and studied law in the office of George W. Julian, at Centerville. He was admitted to the bar in the spring of 1861. In the fall he enlisted, but returned home in October, 1862, because of ill health. He resumed his profession and made further studies under N. H. Johnson and in 1864 settled at Hagerstown, where he practiced until 1868 and then removed to Centerville to become the partner of Judge Peele. He served, 1864-68, as district attorney of the Common Pleas court. He removed to Richmond in 1873, where he has since practiced, and in 1878 he was elected Judge of the Wayne Superior court, serving until 1879, when the court was abolished. He became Appellate Judge by appointment and served from August 20, 1892, to 1893. He has been Judge of the Seven-

teenth circuit since November 10, 1896, his present term expiring in 1920.

George L. Reinhard was born in Bavaria, Germany, July 5, 1843. After receiving such knowledge as the schools of his time afforded, he came with his mother and stepfather to Cincinnati, Ohio, where he went to work for an uncle at a wood lathe. In April, 1861, he enlisted in the Union army and served as a private and served three years and four months. Upon returning from the war he determined to adopt the law as a profession and entered a private school at Cincinnati for a year, and in 1866 became a student at Miami University, Oxford, Ohio. Owing to a lack of money he left college in 1868, went into Kentucky to teach and studied law during his leisure hours. While in Kentucky he was admitted to the bar. In the winter of 1870-71 he returned to Indiana and located at Rockport. In 1876 he was elected prosecuting attorney of the Second judicial circuit and re-elected in 1878. In 1879 he published a legal text book, "Indiana Criminal Law." In 1882 he was elected Judge of the circuit composed of Warrick, Spencer and Perry counties and was re-elected in 1888. He was appointed a member of the Appellate court in 1891, and, by election the following year, served until 1897. In 1897 he was elected professor of law at Indiana University and served as professor up to 1902. From 1902 until his death he was professor and dean of the law school and vice-president of the university. In 1903 he issued a text book on the "Law of Agency." He died at Bloomington, July 13, 1906. He married Mary Wilson, of Daviess county, Kentucky, in 1869. They had two children.

Edgar Dean Crumpacker was born in Laporte county, Indiana, May 27, 1851, the son of Theophilus and Harriet (Emmons) Crumpacker. His education was secured in the common schools and Valparaiso Normal. He was admitted to the bar in 1876 and began practicing in Valparaiso with Judge John H. Gillett. He became prosecuting attorney of the Thirty-first judicial circuit in 1884 and served two terms. He was appointed Judge of the Appellate court in 1891 by Governor Hovey. He was elected by the Republicans as a

member of Congress (1897-1913) from the Tenth district. He is now practicing law at Valparaiso

The terms of the first Appellate court expired January 1, 1893, and it was thus necessary to elect a new court at the fall election. On April 21 the Democrats assembled at Indianapolis and nominated a ticket. From the First district, Judge Reinhard was renominated over William M. Franklin, of Owen county. From the Second district, Bartholomew H. Burrell, of Jackson county, Newton E. Crooke, of Lawrence county, and Frank Gavin, of Decatur, were nominated and the latter selected as the candidate. In the Third district, Theodore P. Davis, of Hamilton county, was nominated over A. W. Reynolds, of White county. From the Fourth, Orlando J. Lotz, of Delaware county, was nominated over D. W. McKee, of Fort Wayne. From the Fifth district, George W. Ross, of Cass county, Robert Effinger, of Miami county, and John D. McLaren, of Marshall county, were contestants, the choice falling on Ross.

The Republicans held their convention on June 28, 1892, at Fort Wayne. For the First district they named Judge Aden G. Cavins, of Greene county, over M. W. Fields, of Gibson, and Walter S. Maples, of Sullivan.

Colonel Cavins was born on a farm in Lawrence county, Indiana, October 24, 1827. He spent three years in DePauw University and graduated from the law department of Indiana University in 1849. He practiced till 1858 at Bloomfield and then moved to Nebraska City. In 1861 he returned to Bloomfield and raised a company for the Fifty-ninth Regiment, with which he enlisted as captain. After the war he practiced with his brother, Col. E. H. C. Cavins, at Bloomfield. He died at Bloomfield, November 14, 1906.

From the Second district John K. Thompson, of Dearborn, and Charles S. Baker, of Bartholomew, were before the convention, the latter being nominated. Baker was born in Bartholomew county, December 12, 1855. He prepared for college at the Quaker Seminary at Azalia, in his native county. In 1874 he entered DePauw and graduated in 1878. He then studied law with Ralph Hill, of Columbus, and S. Stansifer. In 1881 he graduated from the Central Law School at In-

dianapolis. He began practice with J. B. Reeves at Columbus, where he has since practiced.

From the Third district there appeared as candidates James B. Black, of Marion county, Peter S. Kennedy, of Montgomery county, and Joseph C. Suit, of Clinton county, Judge Black receiving the nomination. From the Fourth district, Henry C. Fox, of Wayne county, and Milton S. Robinson, of Delaware county, were opponents. Robinson was renominated, but died shortly after (July 28, 1892). From the Fifth district, Judge Edgar D. Crumpacker was renominated without opposition. The Democrats were successful at the polls, electing the whole court. Judge Reinhard was the only holdover.

George E. Ross was born, January 15, 1858, in Peru, Miami county, Indiana, a son of Nathan O. and Mary Minerva (Ewing) Ross. At the age of fifteen he entered Wabash College, having previously spent a year in an academy at Waveland. In November, 1875, he left college and commenced the study of law in his father's office at Logansport and in 1876 entered the law school of Indiana University. Shortly afterwards he resumed study at home and was admitted to the bar in April, 1877. From 1877 until January 1, 1893, when he was elected to the Appellate bench of Indiana. After retiring from the bench in 1897 he returned to private practice and acted as legal adviser of the Pennsylvania Railroad Company at Logansport. He was married in 1877 to Martha Isabel Boice, and has two sons, Nathan O. and George E., Jr.

Frank E. Gavin was born at Greensburg, Indiana, February 20, 1854. His father, the son of James Gavin, of Scotch-Irish descent, moved onto a farm near Brookville, Indiana, in 1831. When James was twenty-two he moved to Greensburg, where he continued to practice law under the firm name of Gavin & Hord (James Gavin and Oscar B. Hord) until his death, in 1873. They were the editors of the Gavin & Hord Revision of the Statutes.

When the Civil War opened he enlisted in the Seventh Indiana, re-enlisted in the three-year service and was soon made a colonel of that regiment. He entered Harvard College in 1869 and graduated in 1873. In February, 1875, he was ad-

mitted to the bar and commenced practice with his father's former partner, John D. Miller. This firm was continued until February 25, 1891, when Miller was appointed Judge of the Supreme court to fill the vacancy caused by the death of Judge Berkshire. In 1876 Gavin was nominated for prosecuting attorney on the Democratic ticket, but was defeated. In 1884 he was elected presidential elector. In 1892 he was elected Judge of the Appellate court and served four years. He then moved to Indianapolis and began the practice of law with Judge Theodore P. Davis, who had been associated with him on the Appellate bench. The firm of Gavin & Davis continued to practice at Indianapolis until the death of Judge Davis, in 1907. Since that time Judge Gavin has been engaged in the practice at Indianapolis, first with his son, James L., and later with his two sons, James L. and William E., under the firm name of Gavin & Gavin. He was for six years director of the Commercial Club of Indianapolis, the largest commercial and civic organization of the city. He served as vice-president and for two terms as president. He was treasurer of the State Bar Association from 1901 until 1911, inclusive, and its president in 1912. He has served as president of the Associated Harvard Clubs. He has been a member of the Methodist church since boyhood and is now trustee of the Meridian Street Methodist church of Indianapolis. He was made a Mason in 1875, serving as master of the lodge six years at different times; was elected junior warden of the grand lodge; was. in 1904, grand master of Masons of the state of Indiana; was chairman of the board of trustees of the grand lodge for many years and is now treasurer. He is a member of the chapter, commandery and a thirty-third-degree Scottish-Rite Mason. He is a member of the University Club and various other local organizations. In November, 1875, he was married to Ella Butler Lathrop, daughter of the Rev. James B. Lathrop, a Methodist minister. They have three children, James L., William E. and Mary E. Gavin.

Theodore P. Davis was born at Westfield, Hamilton county, Indiana, January 5, 1855, a son of Newton J. and Louisa (Pearson) Davis. In 1872 he attended the National Normal School at Lebanon, Ohio, and at the age of seventeen became

a teacher in the public schools at Noblesville. He resigned to study law in the office of Moss & Trissal, at Noblesville, and was admitted to the bar in 1874. In 1876 he formed a partnership with Thomas J. Kane, which continued until 1892, when he was elected Judge of the Appellate court of Indiana. He never held a political office prior to the time except that of school trustee of Noblesville. In 1887 he married Anna F. Gray, of Piqua, Ohio. They had three children, Helen, Gray and Paul. He was a Democrat, a Mason, an Odd Fellow, a Knight of Pythias and a Red Man. He died April 25, 1907.

Orlando J. Lotz was born in Jay county, Indiana, January 15, 1851, a son of Jeremiah and Melissa A. Lotz. He attended the common schools and high school at Fort Recovery, Ohio, and then taught for a short time. He began the study of law in 1873, and in 1874 graduated from the National Law School at Washington, D. C. In 1875 he commenced the practice of law at Muncie, Indiana. He was appointed Judge of the Delaware Circuit court in March, 1885, and was elected to succeed himself in 1886. In 1892 he was elected Judge of the Appellate court of Indiana and served from 1893 to 1897. He died shortly after he retired from the bench. On May 16, 1878, he married Amanda Inlow. They had one son, Walter J. Lotz.

There was considerable interest in the Republican convention of 1896, because it was generally felt that the Republicans would carry the election. They met at Indianapolis, May 7, to prepare their ticket. From the First district there were two contestants, David F. Beem, of Owen county, and Woodfin D. Robinson, of Gibson county, the latter becoming the candidate. From the Second district, William J. Henley, of Rush county, won over T. C. Bachelor, of Jennings county, David M. Alspaugh, of Washington county, and William T. Friedley, of Jefferson county. In the Third, James B. Black, of Marion county, was nominated over R. R. Stevenson, of Hamilton county. From the Fourth district, Daniel W. Comstock, of Wayne county, was nominated, and from the Fifth, U. Z. Wiley, of Benton county. The Democrats at their convention held in Indianapolis, June 24, 1896, renominated the old members of the court, except in the First district, where

Edwin Taylor, of Vanderburgh, and Cyrus E. Davis, of Bloomfield, were the contestants. The latter won. The Republican ticket was successful at the polls in November. All were new members but Judge Black.

Ulric Z. Wiley was born near Madison, Jefferson county, Indiana, November 14, 1847, the son of Preston P. and Lucinda (Maxwell) Wiley. In 1864 he entered Hanover College, graduated in 1867 and then taught school for two years. In 1870 he entered the law office of Allison & Friedly as a student and went to Indianapolis the following year to study under William Wallace. While there he entered Butler College and received the degree of Doctor of Laws in 1873. He continued with Wallace until the fall of 1874, when he removed to Fowler, Indiana, to practice. He formed a partnership in 1876 with David E. Streight, which continued until 1888. He was Benton county's first attorney, acting in the beginning of his practice for three years as adviser of the board of county commissioners. In 1884 he was elected representative to the General Assembly and on August 30, 1892, was appointed Judge of the Thirtieth judicial circuit and elected in the fall of the same year. From 1897 to 1907 he was on the Appellate bench. Leaving the bench, he practiced alone in Indianapolis until 1914, when he joined T. J. Moll and later, when Moll became Superior Judge, he formed a partnership with L. H. Vanbriggle. He is an Odd Fellow, a thirty-second-degree Mason, and a Republican. He married Mary Cole in 1874. They have four children, Carl, Nellie, Maxwell and Ulric.

Daniel W. Comstock was born at Germantown, Ohio, December 16, 1840, the son of James and Mary Wade (Croke) Comstock. He graduated from Ohio Wesleyan University, Delaware, Ohio, in 1860. He at once began the study of law and in 1861 located at New Castle, where he was admitted to the bar. In 1862 he was elected district attorney for the Eleventh Common Pleas district, but resigned and entered the army as a private soldier. He served throughout the war, became a captain and subsequently was detailed to act as assistant adjutant-general. At the close of the war he settled at Richmond, Indiana, where he has since resided. In 1867

he was elected city attorney and later was elected prosecuting attorney for two terms (1872-1876) and to the State Senate from Wayne county in 1878. In 1884 he was elected Judge of the Seventh judicial circuit and re-elected in 1890. He was elected Judge of the Appellate court in 1896 and served from January 1, 1897, to January 1, 1907. In 1867 he married Josephine A. Rohrer.

Woodfin D. Robinson was born on a farm in DeWitt county, Illinois, January 27, 1857, a son of James A. and Louisa (Benson) Robinson. The family moved to Owensville, Indiana, in 1865, where Woodfin grew up on a farm. He graduated from Indiana University in 1879. After teaching three years, he entered the University of Virginia, but later went to the University of Michigan, where he graduated in 1883. In the same year he was admitted to the bar and began practice at Princeton, Indiana. In 1894 he was elected to the House of Representatives. In 1896 he was elected to the state Appellate bench, where he served from January 1, 1897, to January 1, 1907. After teaching at Indiana University until June, 1907, he went to Evansville and opened an office and his since practiced there with William C. Stellwell. On September 4, 1884, he married Jessie E. Montgomery. They have one daughter, Virginia.

William J. Henley was born at Carthage, Rush county, Indiana, October 15, 1864, the son of Thomas W. and Hannah (Williams) Henley, of North Carolina. He attended the public schools and the Friends Academy. He read law with Mellett & Bundy, of Newcastle, and one year with George C. Clark, of Rushville. He practiced until 1887 with Benjamin L. Smith, of Rushville, and then with the firm of Henley & Guffin until he went on the Appellate bench, January 1, 1897, and served until he resigned, October 18, 1904. In 1885 he married Sallie Monroe, at Nashville, Tennessee. They have three children.

The General Assembly of 1899, by an act approved February 7, 1899, extended the duration of the court from four to six years, so that the court elected in 1896 sat till 1903. The act further provided that the next general election for Appellate Judges should be in 1902 and thereafter every four

years. The ostensible plea of the law was to remove the selection of the court to an off year.

By act of March 12, 1901, a new member was added to the court, thus virtually making it two courts, known as Division One, from the south end of the state, and Division Two, from the north end. The act further defined the jurisdiction of the court by specifying classes of cases appealable to the Appellate and Supreme courts, respectively. To fill the newly created position, Frank S. Roby was appointed March 21, 1901.

Frank S. Roby was born at Leesburg, Ohio, June 26, 1854, the son of P. and Anna E. (Lee) Roby. The family moved to Steuben county, Indiana, where he was educated in the public schools, after which he read law with Robert McBride and E. C. Lovelle. He was admitted to the bar in 1876, but did not begin practice until November, 1882, working in the meantime at the carpenter trade. His first partner was John Sowers. In 1887 and 1888 he practiced in Kansas. Returning in 1888, he located at Angola, where he practiced till 1897, when he became Circuit Judge. The legislative act of March 12, 1901, added another judge to the Appellate bench, and Governor Durbin appointed Roby as the sixth Judge. In 1907 he was re-elected, and then had ten years of continuous service on the Appellate bench. After his term of office he formed a partnership with Ward H. Watson. When this was dissolved he and E. D. Salsbury established the firm of Roby & Salsbury at Indianapolis. He married Laura Shuman, of Waterloo, Indiana.

The Republican convention at Indianapolis, April 24, 1902, renominated by acclamation Judges Robinson, Henley, Black, Comstock, Wiley and Roby. The Democrats met June 4 and nominated John R. East, of Bloomington; R. H. Hartford, of Portland; James P. Sanderson, of Fowler; Henry G. Zimmerman, of Noble county; Capt. W. H. Bracken, of Brookville, and J. D. Magee, of Rushville. The Republicans were successful and there was no change in the court at the time.

On October 18, 1904, William J. Henley resigned. It was only two days until the state ballots would have to be printed, on which his successor would be elected. The governor at once appointed David A. Myers, of Greensburg, to the vacant

place and the Republican committee put him on as their candidate. The Democrats nominated John D. Magee, also of Rushville. Myers was elected.

David A. Myers was born on August 5, 1859, near Logansport, Cass county, Indiana, the son of Henry C. and Maria (Bright) Myers. He went to the public school and worked on his father's farm until seventeen years old, when he entered Smithson College, where he remained one and one-half years. Later he attended Danville Normal for one and one-half years, also Union University and the Albany Law School, from which he was graduated in 1881. The same year he began the practice of law in Greensburg. He was elected city attorney in 1886 and held this office until elected in 1890 as prosecuting attorney for Rush and Decatur counties. This office he held until 1894. In 1899 he was appointed Judge of the Eighth judicial circuit and by election in 1900 served until appointed to the Appellate bench on October 18, 1904. He was elected in the fall of 1904 and served until January 1, 1913. In 1880 Judge Myers married Laura Hart, who died in 1883. In September, 1907, he married Margaret McNaught, of Greensburg.

In the Democratic convention at Indianapolis, June 6, 1906, there was little enthusiasm. From the First, or Southern district, there were only two candidates for the two vacant places, Milton B. Hottel, of Salem, and Edward W. Felt, of Greenfield. Both will be mentioned later. From the Northern district, Richard R. Hartford, of Portland; Henry G. Zimmerman, of Albion, and Henry S. Steis, of Winamac, were nominated by acclamation. The Republicans met at Indianapolis, April 12, 1906, to nominate their candidates for the Appellate court. In the First, Ward H. Watson, of Charlestown, and Cassius C. Hadley, of Indianapolis, were nominated. Woodfin D. Robinson and James B. Black were also candidates for renomination and Joseph W. Thompson, of Indianapolis, was voted for, although not a candidate. From the Northern district, J. M. Rabb, of Williamsport; Frank S. Roby, of Auburn; Daniel A. Comstock, of Richmond; Samuel R. Artman, of Lebanon, and John C. Nye, of

Winamac, were voted on, the first three being chosen. The Republican candidates were elected.

Cassius C. Hadley was born August 9, 1862, at Avon, Hendricks county, Indiana. He was a student at Butler College and later graduated from the law department of DePauw University. He practiced in Kansas for a time, during which he served as prosecutor of Scott county. After locating in Danville, Indiana, he became a member of the law firm of Cofer & Hadley. Prior to 1907 he spent four years as assistant attorney-general of Indiana under William L. Taylor and four years under Charles W. Miller. He served as Judge of the Appellate court from 1907 to 1911. He died at Indianapolis, November 14, 1913.

Joseph M. Rabb was born in Covington, Indiana, February 14, 1846. His ancestry was of Scotch-Irish descent on both sides of the house. His grandparents on his mother's side emigrated to Indiana from Carolina and settled in Fountain county in 1828. His parents removed to Perrysville, Vermillion county, when he was an infant, and there he resided until he entered the Union army, in August, 1862. He served throughout the war in the ranks of the Sixth Cavalry, and at the close of the war returned to his home in Perrysville. He attended Asbury University at Greencastle for a short time, and in the fall of 1866 began the study of law with Joseph H. Brown at Williamsport, Indiana, with whom he formed a partnership in 1870, which continued up to the time of his death in 1873. He continued to practice law in Williamsport until he was elected Judge of the Twenty-first judicial circuit in 1882, succeeding Thomas F. Davidson. He remained on the Circuit bench until elected to the Appellate bench in 1906. He removed to Logansport on leaving the Appellate bench in 1911, entered into partnership with Michael F. Mahoney, and has since continued the practice of law with Mahoney. They took Michael L. Fansler into the firm in 1915. On June 11, 1872, he married Lottie Morris at Charleston, Illinois. She died on May 7, 1882, and on November 11, 1884, he married Ida E. Elwell, at Wayne, Pennsylvania.

Ward H. Watson, a member of the Appellate court from

1907 to 1911, was born in Harrison county, Indiana. He read law with James K. Marsh, of Jeffersonville, 1881-1883. In 1895 he was elected senator from Clark and Jefferson counties and in 1906 was elected Judge of the Appellate court and served a term of four years. Upon retiring from the bench in January, 1911, he located in Indianapolis, where he is now practicing. He has been a trustee of Moores Hill College since 1909 and has been president of the board of trustees since 1911.

At the 1908 election David A. Myers was re-elected to the Appellate bench over E. W. Felt, of Greenfield.

The Republicans first made their nominations in 1910. They met at Indianapolis, and on April 5 renominated Judges Hadley, Watson, Comstock and Rabb. Roby made the race for a seat on the Supreme bench, but was defeated by Robert M. Miller. The Democrats at Indianapolis, April 28, 1910, nominated Joseph Ibach, of Hammond; Moses B. Lairy, of Logansport; Andrew Adams, of Columbia City, and Milton B. Hottel, of Salem. The Democratic judges were elected in the fall of 1911.

Edward W. Felt was born in Allegheny county, Virginia, November 7, 1859, the son of Sylvester Makefield and Rebecca Jane (Lotshaw) Felt. He graduated from Central Normal College, Danville, Indiana, in 1884, and taught in the public schools for seven years. In 1887 he was admitted to the bar and began practicing at Greenfield. He was prosecuting attorney of the eighteenth judicial circuit, 1891-1895, and county attorney of Hancock county from 1896 to 1898. He served as Judge of the eighteenth judicial circuit from 1900 to 1906. In 1909 he removed to Indianapolis and was elected in 1910 as Judge of Appellate court and re-elected in 1914.

Andrew A. Adams was born at Columbia City, Indiana, January 27, 1864, the son of John Quincy and Christina (Elliott) Adams. He was educated in common and high schools and was a student in Wabash College, 1880-1881. He received the degree of Bachelor of Arts from Washington and Jefferson College, Pennsylvania, in 1884; Master of Arts in 1887; and Doctor of Laws in 1913. He was admitted to

practice in 1887 and practiced at Columbia City, Indiana, from 1888 to 1910, when he was elected Judge of Appellate bench. He resigned September 1, 1913, to become the attorney of Arbuckle Brothers of New York. He was a member of the House of Representatives from 1888 to 1892 and a trustee of Purdue University from 1907 to 1912. He married Lois Andrew, December 23, 1890.

At the 1912 election Joseph H. Shea, of Seymour, was elected. He graduated from Indiana University in 1889 and was a trustee of his Alma Mater for many years. Judge Adams resigned September 1, 1913, and Governor Ralston appointed Fred S. Caldwell to fill his unexpired term. Judge Caldwell was elected for a full term in November, 1914. Frank M. Powers, of Angola, was elected to the bench in 1914, but had scarcely entered upon his duties when he died, February 3, 1915. Governor Ralston appointed James J. Moran, February 10, 1915, to fill the unexpired term of Judge Powers.

Frank M. Powers was born April 2, 1860, in York township, Steuben county, Indiana. The foundation of his education was laid in the old Angola Academy. Early in life he determined to enter the legal profession and thereafter devoted all his energies to fitting himself for a place at the bar. He entered a law office for the practice of law in the town of Fremont, in Steuben county. He later returned to Angola and entered into partnership with George B. Adams, who had just retired from the office of prosecuting attorney. In 1888 he became a partner of William G. Croxton, under the firm name of Croxton & Powers. This firm was dissolved by the death of Croxton in the fall of 1903. Powers practiced alone until the next year, when he formed a partnership with John G. Yeagley, now of South Bend, Indiana, under the firm name of Powers & Yeagley. Powers was elected Judge of the Thirty-fifth circuit in 1910 and was on the bench of this court when elected a member of the Appellate court.

Joseph Hooker Shea, a member of the Appellate court from January, 1913, until he resigned May 1, 1916, and now

ambassador to Chili, was born at Lexington, Indiana, July 24, 1863. His parents, Patrick and Mary Bridget (Boyle) Shea, were both natives of Ireland. After graduating from the Lexington high school, Judge Shea entered Indiana University and graduated in 1889 with the degree of Bachelor of Arts. Before receiving his degree, he had studied law with Col. C. L. Jewett, of Scottsburg, and was admitted to the bar in 1885. He practiced at Scottsburg with Colonel Jewett from 1889 to 1897. The following year he moved to Seymour and formed a partnership with Mark Storen, which continued until he was elected to the circuit bench in 1906. He had previously served as prosecutor of this circuit when it included the counties of Scott, Jennings and Ripley. After retiring from the Circuit bench, he was nominated by the Democratic party for a seat on the Appellate bench and was elected in the fall of 1912. He resigned May 1, 1916, to accept an appointment as ambassador to Chili, and left within a month to take charge of the embassy at Santiago.

Frederick S. Caldwell, a member of the Appellate bench since 1913, was born in Meigs county, Ohio, January 17, 1862. He graduated from the National Normal School of Lebanon, Ohio, and at once began teaching in the public schools. He was principal of the Winchester (Indiana) high school from 1885 to 1891, and superintendent of the schools for the following year. He began the practice of law in 1892 in partnership with W. W. Canada, now United States consul at Vera Cruz. Later he formed partnerships with Alonzo L. Nichols and James S. Engle. For a number of years prior to his appointment to the Appellate bench, Caldwell was active in Democratic politics in Randolph county. At the time of his appointment he was a member of the firm of Caldwell & Perry, at Winchester, Indiana. Judge Caldwell was appointed Appellate Judge September 1, 1913, to succeed A. A. Adams, who had resigned. He was elected in the fall of November, 1914, for the regular term of four years.

Joseph G. Ibach, a member of the Appellate bench since 1911, was born in Hammond, Indiana, March 15, 1862. He attended high school at Huntington, Indiana, and graduated

from DePauw University in 1883 and from the DePauw law school in 1885. The following year he took up the practice of law, and from 1886 to 1888 he was deputy prosecuting attorney of Huntington county. Ibach moved back to Hammond, where he was a member of the board of education from 1905 to 1910. He was elected Appellate judge in 1910 and ascended the bench on January 1, 1911, for the regular term of four years, and was elected for a second term in the fall of 1914.

Milton B. Hottel was born in Harrison county, Indiana, May 1, 1860. He graduated from Indiana University in 1882, and took up the practice of law at Salem, Indiana, where he continued to practice until he took his seat on the Appellate bench, January 1, 1911. Judge Hottel was elected for a second term in the fall of 1914.

James J. Moran, who has been a member of the Appellate bench since February 10, 1915, was born in Adams county, Indiana, November 12, 1873. After receiving a good common school education, he taught school three years and in the meantime attended the normal schools at Ada, Ohio, and Angola, Indiana. He attended Indiana University law school for a time, but left before graduating. He was elected judge of the Jay Circuit court in 1910 and was serving on the bench of this court when he was appointed to the Appellate bench on February 10, 1915, to fill the unexpired term of Frank Powers, or until January 1, 1919.

JUDGES OF THE APPELLATE COURT OF INDIANA.

James B. Black ------March 12, 1891-January 1, 1893.
Jeptha D. New -------March 12, 1891-July 9, 1892, died in office.
Milton S. Robinson ---March 12, 1891-July 28, 1892, died in office.
George L. Reinhard ---March 12, 1891-January 1, 1897.
Edgar D. Crumpacker--March 12, 1891-January 1, 1893.
Willard New ---------Appointed August 20, 1892, to fill the unexpired term of Judge J. D. New; served until January 1, 1893.
Henry C. Fox --------Appointed August 20, 1892, to fill the unexpired term of Judge Robinson; served until January 1, 1893.
Frank E. Gavin -------January 1, 1893-January 1, 1897.
Theodore P. Davis ----January 1, 1893-January 1, 1897.

Orlando Lotz ---- January 1, 1893-January 1, 1897.
George E. Ross ---- January 1, 1893-January 1, 1897.
Woodfin D. Robinson ---- January 1, 1897-January 1, 1907.
William J. Henley ---- January 1, 1897; resigned October 18, 1901.
Daniel Comstock ---- January 1, 1897-January 1, 1907.
James B. Black ---- January 1, 1897-January 1, 1907.
Ulric Z. Wiley ---- January 1, 1897-January 1, 1907.
Frank S. Roby ---- Appointed March 21, 1901, pursuant to the legislative act of March 12, 1901, creating an additional Appellate Judge. Judge Roby was later elected and served until January 1, 1911.
David A. Myers ---- Appointed October 18, 1901, to fill the unexpired term of Judge Henley, and elected in November, 1906. Judge Myers served until January 1, 1913.
Cassius C. Hadley ---- January 1, 1907-January 1, 1911.
Joseph M. Rabb ---- January 1, 1907-January 1, 1911.
Ward H. Watson ---- January 1, 1907-January 1, 1911.
Milton B. Hottel ---- January 1, 1911; term expires January 1, 1929.
Edward W. Felt ---- January 1, 1911; term expires January 1, 1929.
Andrew A. Adams ---- January 1, 1911; resigned September 1, 1913.
Moses B. Lairy ---- January 1, 1911; term expires January 1, 1929.
Joseph G. Ibach ---- January 1, 1911; term expires January 1, 1929.
Joseph H. Shea ---- January 1, 1913; resigned May 1, 1916.
Fred S. Caldwell ---- Appointed September 1, 1913, to fill the unexpired term of Judge Adams. Judge Caldwell was elected November 3, 1914, and will serve until January 1, 1919.
Frank M. Powers ---- January 1, 1915; died in office February 3, 1915.
James J. Moran ---- Appointed February 10, 1915, to fill the vacancy caused by the death of Judge Powers; term expires January 1, 1919.
John C. McNutt ---- Appointed May 1, 1916, to fill the vacancy caused by the resignation of Joseph H. Shea.

APPELLATE COURT REPORTERS.

When the Appellate court was created in 1891, it was provided that the reporter of the Supreme court should serve in a similar capacity for the Appellate court. At that time John L. Griffiths was Supreme court reporter and he reported the decisions of the Appellate court from 1891 to 1893, the reports covering five volumes. During the past twenty-three years (1893-1916) there have been four court reporters, namely Sidney R. Moon, Charles F. Remy, George W. Self and Philip Zoercher. The following table gives the

reporters, the number of volumes compiled by each, how cited and the periods covered:

Griffiths, J. L.	5	(1- 5)	Ind. App.	1891-1893
Moon, S. R.	9	(6-14)	Ind. App.	1893-1896
Remy, C. F.	19	(15-33)	Ind. App.	1896-1905
Self, George W.	15	(34-58)	Ind. App.	1905-1913
Zoercher, Philip	9	(49-57)	Ind. App.	1913-1916