

Lunch with the Partners

Historial Vignettes from a 200-Year-Old Law Firm



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This book is dedicated to my grandchildren; Rocco, Jeffrey, Joanna and Jacqueline;
who are and will always be a constant source of joy and delight for P'pa.



Acknowledgments

What began as an obligation to memorialize the firm's long history morphed into a pleasurable project with interesting people and increased awareness of my home, Vincennes. This book is not possible without the fascinating people who populate its pages, especially Rabb, Tom and Bob, who took the time to pass the stories to me. I am very grateful to Rabb's daughters, Susan Emison and Anne Emison Wishard; Tom's widow, Mary Emison; and my former partner, Bob Doolittle, for their review and additions to the manuscript. The Indiana Historical Society houses the Judah family history written by Samuel's son and was also very helpful with Tom Emison's contributions to the Society. The history of George G. Reily in the Civil War comes from Nancy Baxter's excellent books: *The Gallant Fourteenth* and *The Martin Guard*, and old newspapers. The Knox County Public Library and Vincennes University Lewis Library were invaluable in researching the firm's history through old newspapers and archived material.

The book points out that everyone in Vincennes is an amateur historian and that some are pros. I was fortunate to have the help

of pros Richard Day and Gus Stevens. Richard's 1988 *Vincennes: A Pictorial History* is the source of most of the information about Vincennes. He also found factual mistakes in the manuscript, allowing me to make corrections and avoid embarrassment. Gus, a longtime friend of Rabb and the firm, shared many stories, helping me to remember what I had forgotten.

I would also like to thank Brittany Worland, who helped with the grammar, spelling and punctuation and counseled me on what is and what is not entertaining, and "Miss Tina" Eckert, our long-time secretary, who was able to convert my handwritten ramblings into this story.

I cannot overlook the help I receive on a daily basis from Susan Wittmer, my legal assistant for over 20 years. I couldn't do much without her.

Finally, my wife's high school pal and my friend, Chuck Schoffner, provided his many years of experience as a sports writer and author to improve the manuscript.



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Introduction

“Lunch” is all Rabb would say as he walked by my office. The partners were going to lunch and I was invited. For a young lawyer, lunch with the partners was an anticipated part of the day.

For the four-man Vincennes law firm of Emison Emison & Doolittle, “lunch” was one hour, more or less, most days of the week, where interesting persons discussed a multitude of topics. Though all four lawyers usually attended, it was not a requirement. In fact, to me, it was a privilege that came with being a member of the firm.

Over the years, “lunch” involved many Vincennes eateries and many personalities. However, from 1976 to 1981, it usually meant a six-block walk down Busseron Street to Marone’s through all kinds of weather. At that time, Marone’s was Vincennes’ premier eatery, owned by John Welsh, whose brother, Matthew, was once governor of Indiana. It was an old Vincennes bar located on the corner of Second and Busseron just a block from Main Street. The building is currently vacant, but it still has the side door we entered next to the coat rack and bar. There, by the door, was a large round table which comfortably sat eight but, at times, as many as fourteen. Jeanie, the waitress, made sure it was reserved for our group, moving anyone else to another table.

It was around this large round table that the conversations and stories swirled endlessly. Everyone in Vincennes is an amateur historian, but pros sat at this table. Moreover, most were third generation residents or longer.

I was newer than new and never thought much of Vincennes until

1976, when I was trying to figure out how to make a living with my Indiana University-Bloomington law degree. I wanted to stay in Southern Indiana where I had strong family ties and a family cabin on a lake outside Columbus, Indiana.

But 1976 was not a good year to be marketing a law degree anywhere. After sending out over 300 resumes, I was asked to maybe five interviews. Fortunately, I was invited to Vincennes, where I met the partners: Rabb, Tom and Bob. The interview was not memorable. I was not sure I would be invited back, so I visited Vincennes’ historical sites for the first time. My lack of confidence was shaken when I was invited back and told to bring my wife.

Deborah and I married in 1973. Her master’s degree from Indiana University in reading and education paid for my law degree, making her an intimate stakeholder in any decision. She is also a reason we landed in Vincennes. First and foremost, she is beautiful, inside and out. She connected instantly and was a big hit not only with the partners, but also with their wives. I joined the firm on August 2, 1976.

It was at Marone’s that I first heard the stories about Vincennes and the firm that captured my attention and imagination. The stories were told in many different ways. Researching the firm’s history to reconcile discrepancies and fill in the blanks taught me that the written historical accounts are as many and varied as the stories.

As the firm reaches its 200th anniversary, it is not possible to present a comprehensive history with footnoted accuracy. Instead, I chose stories that are interesting to me and, I hope, to others as well.



The Firm

A visitor to the firm is immediately immersed in the firm's history. This is intentional. The first partner, Samuel Judah, began the practice in 1819. His picture, along with those of other partners, hangs on the wall facing the front door. In 1976, the wall looked the same as it does now except the pictures of Rabb, Tom and Bob are added. There is a space for me, but a picture does not go up until death or retirement.

On the same wall is the original letter of introduction of Samuel Judah, addressed to Judge Isaac Blackford of the Indiana Supreme Court, dated May 5, 1819. In 1819, this was the equivalent of a law degree. It is also proof of the law firm's beginning date. [Fig. 1] Rabb thought the firm was the oldest west of the Allegheny Mountains, or one of the 25 oldest law firms in the country. Tom was more circumspect, only claiming oldest in Indiana. Bob didn't care.

It turns out there is no easy answer. Both then and now, law firms come and go with regularity. Longevity is not a priority. Profitability is paramount. Comparison of age can only be made if a law firm determines a beginning date and shows continuity. The American Bar Association verified the oldest law firm and mentioned two other law firms older than 1819. The Rose Law Firm in Arkansas (Hillary Clinton's former law firm) claims to be the fourth oldest law firm in the country, beginning in 1820. If that is all the information there is, then our law firm is the fourth oldest in the country, beginning in 1819. That is our claim until proven wrong.

The beginning date is important, but the difficult part is continuity. The reception room wall shows the partners who provided continuity.

Some are more significant than others. The firm's 200 years of continuity up to Rabb, Tom and Bob relies on five partners: Samuel Judah, James C. Denny, George G. Reily, James Wade Emison and Ewing Rabb Emison.

Not all partners made the wall. One partner in the early 1900's is not portrayed. He came to work early every day. This work habit was admired until he was found opening envelopes before anyone else arrived and removing firm checks for his sole benefit. Also listed on the wall are the various names under which the firm conducted business from 1819 to the present day.

[Fig. 2] Today, the firm is Kolb Roellgen & Kirchoff LLP.

A lawyer is a problem solver. Usually, the problem is of a legal nature, but not always. Several themes run through these stories.

The first theme is the significance of the problems encountered by the firm. They are problems which solutions reverberate today: Vincennes University, Brevoort Levee, the Civil War and Slavery, the George Rogers Clark Memorial and more.

The second theme is the creativity used to solve these problems. There never was one solution but a mixture of solutions with good timing.

Finally, the third theme is the never quit attitude shown throughout the firm's history. Some problems took over 20 years to solve. Many involved writing and securing passage of legislation. In some cases, the solution was deemed impossible by others. Yet members of the firm persevered.

The Firm

1819-1838	<i>Samuel Judah</i>
1838-1842	<i>Judah & Gibson</i>
1842-1852	<i>Samuel Judah</i>
1852-1854	<i>Judah & Usher</i>
1854-1860	<i>Judah & Denny</i>
1860-1867	<i>James C. Denny</i>
1867-1868	<i>Denny & Reily</i>
1868-1872	<i>Denny Reily & Johnson</i>
1872-1881	<i>Reily & Johnson</i>
1881-1886	<i>Reily Johnson & Niblack</i>
1886-1889	<i>Reily & Niblack</i>
1889-1899	<i>Reily & Emison</i>
1899-1901	<i>James Wade Emison</i>
1901-1907	<i>Emison & Moffett</i>
1907-1917	<i>James Wade Emison</i>
1917-1931	<i>Emison & Hoover</i>
1931-1969	<i>Emison & Emison</i>
1969-1979	<i>Emison Emison & Doolittle</i>
1979-1986	<i>Emison Emison Doolittle & Kolb</i>
1986-1990	<i>Emison Doolittle & Kolb</i>
1990-2009	<i>Emison Doolittle Kolb & Roellgen</i>
2009-2012	<i>Emison Doolittle Kolb & Roellgen LLP</i>
2012-	<i>Kolb Roellgen & Kirchoff LLP</i>

[Fig. 2] List of firm names (in reception area)



Ewing Rabb Emison, Jr.

When I first met Rabb, he was 51 years old. He was of average height and slight build, but he was an avid golfer who moved with an athlete's grace. He would walk almost two miles to work reading a book as he walked. He was bald with bushy eyebrows. As he aged, he grew balder and the eyebrows grew bushier. [Fig. 3] His voice was clear and strong, as you would expect of a trial lawyer. He had an infectious, hearty laugh that often helped to locate him in a crowded room. His genteel and respectful manner belied a very competitive nature. A favorite quote from his father was never let someone know you are mad at them until you are close enough to hit them with an axe. Later in life, he refined it to say never attack someone unless they were closer than an axe handle or, in other words, close enough to hit a killing blow. This combination of a genteel manner and competitive nature made him an excellent trial lawyer and story teller. He was also very intelligent and a Mensa member. Rabb, like his father, was named for three prominent Vincennes families: Ewing, Rabb and Emison.

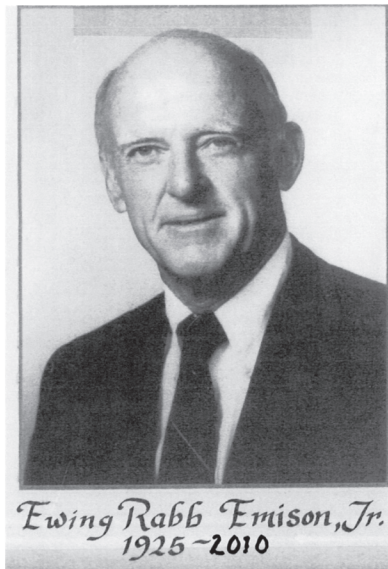
Nathaniel Ewing first saw Vincennes in 1788 at age 16 while working on a pirogue, or dugout canoe, delivering apples, salt and furs. He purchased land east of Vincennes in 1804. In 1807, he was the first Receiver of Public Monies of the land grant office. He built a large country

estate house named Mont Clair, which today is still occupied by the sixth generation, Nathaniel Mark Ewing. The Ewings and Emisons were close friends. James Wade Emison and Sada Ross Rabb secretly courted on the Ewing farm, so the first born was named Ewing.

Dr. John H. Rabb moved to Vincennes in 1859. He developed a large and lucrative medical practice until a fall from a horse left him lame and unable to continue. Apparently, house calls were required to practice medicine. Undaunted, he turned to merchandizing. He became president of the First National Bank of Vincennes and Citizens Gas Light Company. He also served on the Board of Trustees for Vincennes University and was first president of the YMCA. More importantly, his daughter, Sada Ross Rabb, married Rabb's grandfather, James Wade Emison.

Thomas Emison, Rabb and Tom's great, great, great, grandfather, travelled from Georgetown, Kentucky to an area just north of Vincennes in 1804. He brought with him one ton millstones made in France for grinding grain. Some of the original Emison millstones are displayed at Grouseland in Vincennes. He also brought with him Negroes who were either slaves or indentured servants. He

established a gristmill and sawmill on Mariah Creek in Busseron Township, first powered by oxen and later by Mariah Creek. Emison



[Fig. 3] Ewing Rabb Emison, Jr.
(in reception area)



[Fig. 4] Currier lithograph of Lt. "Emmerson" holding back Gen. Harrison at Tippecanoe (in hallway)

Mills later moved from Mariah Creek to the Vincennes riverfront, where it became Atlas Mills. Later it merged with Baltic Mills, which became General Mills. Rabb referred to the Emison owners of the mills as the "rich" side of the family.

Thomas eventually owned over 3,000 acres in Busseron Township. As Indian activity increased in 1810, he built a stockade to defend his home, which was named Fort Petticoat because only women defended it. He was a First Lieutenant in the Cavalry of the 1st Regiment. In this capacity, he and his troops provided protection when Tecumseh and Harrison met in Vincennes. He became Commanding Officer of the "Vincennes Troop of Light Dragoons" at the Battle of Tippecanoe after Major Daviess was killed.

A famous lithograph by Nathaniel Currier, an original of which hangs in the firm's hallway, shows Thomas, identified as "Emmerson," trying to prevent General Harrison on his horse from charging to the front lines at the Battle of Tippecanoe. [Fig. 4] For many years, Thomas' pistol, powder horn and sword were displayed in the firm's hallway. They are now at the Indiana Historical Society Building in Indianapolis. Later in life, Thomas served on a committee that selected the site for Indianapolis as the state capital. That selection document along with a typed transcript is still displayed in the firm's hallway. [Fig. 5]

North of Vincennes there is a small town named Emison. The town sits on a railway junction known as Emison Station but once was located on a shallow Wabash river crossing known as Emison Landing. Both locations were developed by the Emison ancestors to deliver products to market. The law firm once possessed affidavits from eyewitnesses stating Abraham Lincoln's family crossed into Illinois at Emison Landing and not at Vincennes, where there is a large memorial to his crossing.

Rabb enlisted in the Navy in 1942 and served three years of active duty. In 1952, he returned to active duty for 18 months before leaving active service as a Lieutenant. Even late in life, Rabb noted that he was never discharged from the Navy and could be called to active duty at any time. While in the Navy, Rabb developed a love of flying. He often said he would rather be a pilot than a lawyer. On landing, he would smile and say: "Cheated death again."

He also thought of becoming a journalist. When Rabb expressed a love of journalism to his father, Ewing had famous newspaper publisher, Eugene Pulliam, talk to Rabb. Pulliam convinced Rabb that journalism was a worthy profession but not very well compensated or admired.

**Selection of the Site for Indianapolis
1820**

The undersigned commission in behalf of the State of Indiana duly appointed by the General Assembly of said state to select and locate a site for the permanent state of its government,

Report that in conformity to a proclamation of Jonathan Jennings Governor of said state the undersigned met at the house of William Conner on the west fork of White River and having taken the oath or affirmation *** required by law proceeded in the exercise of the important trust assigned them by an act of the General Assembly of the State of Indiana aforesaid entitled, "An act appointing Commissioners to Select and locate a site for the permanent seat of Government of Indiana," approved January 20, 1820. In discharging their duty to the state the undersigned have endeavored to connect with an eligible site the advantages of a navigable stream and fertility of soil which they have not been unmindful of the geographical situation of the state to its political centre as it regards both the present and future population of the State as well as the present and future interests of its citizens. The Commissioners as aforesaid in issuance of the Act of the General Assembly above mentioned an act of the Congress entitled "An Act to enable the

people of the Indiana Territory to form a constitution and State Government for the admission of such state into the Union upon an equal footing with the original states and for other purposes." And also of an Act of Congress entitled, "An Act respecting the location of certain sections of land to be granted for the seat of government in the State of Indiana," proceeded to select and locate and have selected and located as site for the permanent seat of government for and in behalf of said state two thousand and five hundred and sixty acres of land equal to four entire sections, being Sections numbered one & twelve. East & west fractional sections numbered 2 East and Fractional Section numbered eleven and so much of the east part of West fractional section numbered three to be set off by a North and South line as will complete the quantity of two thousand five hundred and sixty acres of land as aforesaid in Township fifteen Range three East.

Given under our hands this 7th day of June 1820

Copy Attest
B I Blythe CLK

George Hunt
John Conner
Allen Ludlow
Joseph Bartholomew
John Tipton
John Taylor
John Gilliland
Thomas Emison
Fred Rapp

[Fig. 5] Selection of Indianapolis as state capitol (in hallway)

Lunch with the Partners

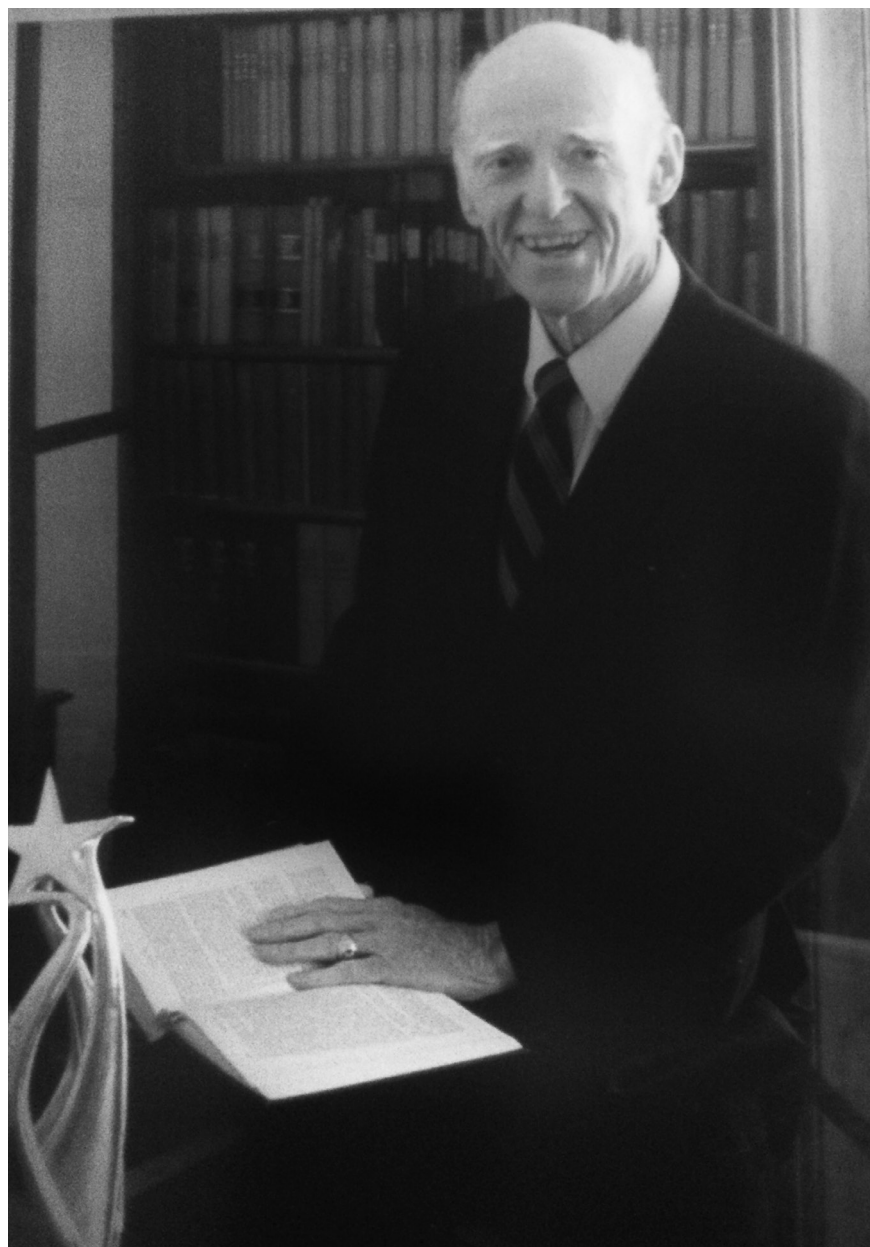
Rabb's main area of practice was insurance defense of personal injury cases. This is a difficult line of work because juries often side with the injured victim despite the cause of the injuries. Because of his family history, community activities, genteel manner and high profile, Rabb offset those natural jury biases.

In one trial, the plaintiff's lawyer was examining a doctor about horrific injuries suffered by the plaintiff. The testimony about the injuries got progressively worse. Rabb, for whatever reason, pushed back his chair and lowered his head so that his forehead rested on counsel's table. He remained that way during most of the doctor's testimony. When the jury took its next break, it sent a written question to the judge: "Is Mr. Emison OK?" The jury verdict was a victory for the defense.

Rabb was proud of his Republican roots. They were traditional Republican roots all the way back to Lincoln and the Grand Old Party. According to Rabb, his great grandfather, John W. Emison, was either the first or second registered Republican in Knox County and obviously anti-slavery. His grandfather, James Wade Emison, was a leader in the Republican Party and was once discussed as candidate for governor. Ewing, Rabb's father, also remained behind the scenes, but played prominent roles in national campaigns, including chairing Indiana's support of Calvin Coolidge for president. Many Republican candidates and some Democrats running for state office came to Vincennes to seek Rabb's counsel and support.

Rabb had the unique honor of being a distinguished alum of his high school, Vincennes Lincoln High School, his college, DePauw University, and his law school, Indiana University School of Law-Bloomington. His family ties with DePauw date back to his great-great grandfather, William Weston Clarke Emison. He along with William's brother-in-law, Rev. Wade Posey, were instrumental in the establishment of Indiana Asbury College, DePauw's predecessor. Rabb's great grandfather, John Wesley Emison, Sr., did not attend but was a trustee. The Emison influence can still be seen on the campus at Greencastle, Indiana.

Rabb also served on the Board of Visitors for many years at the Indiana University School of Law at Bloomington. When his father



[Fig. 6] Rabb Emison and ABA Excellence award (in reception area)

died, he took his place on the Board of Trustees of Vincennes University for four years until he resigned, believing the University's ownership of a cable TV network was illegal.

Rabb was proud of his family history and its service to the community. He drafted legislation that was adopted in Illinois and Indiana concerning the operation of the Lawrenceville-Vincennes Airport, now Mid-America Air Center. This legislation was used later to establish an airport servicing Chicago near Gary, Indiana.

Rabb followed the family tradition in flood control and navigation of the Wabash River. He became a Director of the Wabash Valley Association, which focused on use of the Wabash River. He took his father's place on the Indiana Flood Control and Water Resources Commission. He helped rewrite flood control laws originally written by his grandfather and rewritten by his father. In the 1980's, he rewrote the law so levee districts could be conservancy districts. This allowed levees to collect property taxes on both land and improvements instead of assessing just protected land. The Brevoort Levee was the first levee to be a conservancy district in Indiana because of Rabb.

In 1986, he was elected President of the Indiana State Bar Association. As President, he created the "Commission on Employment and Advancement of Minority Lawyers". He continued to serve on the commission for many years. For his service, the Indiana State Bar Association established an annual award named for Rabb. The American Bar Association gave Rabb its highest award, the Excellence Award, for his service to minorities. The Excellence Award is proudly displayed in the firm's reception area. [Fig. 6]

For many years, Rabb wrote "Fair Comment" articles for "Res Gestae," the Indiana State Bar Association monthly magazine. The articles focused on legal issues but were done in an entertaining style that contained a healthy dose of Rabb's philosophy of law and life. The articles were so popular they were gathered into a book entitled "Res Gestae."

Rabb, along with Mike Quayle, was responsible for establishing the Knox County Community Foundation, which is part of an alliance of foundations in southwestern Indiana. The Knox County Community Foundation allowed Knox County to receive substantial matching funds from the Lily Foundation and grants for projects and scholarships.

Rabb was modest and reserved. He did not dominate the conversation. He inquired of others to find out their interests and make them feel at ease. Later in life, he began to repeat stories. With good humor, his close friends began numbering the stories so that he could just say the number of the story without telling the whole story. Ever the gentleman, Rabb realized that the story may be a repeat, so he would begin many stories with "Stop me if you heard this before." He was annoyed when Bob would stop him without hearing the story. Names would also elude him. He would greet everyone with: "Hello young feller." When I pointed out that some he greeted were older than him, he noted that he never received any objections. This greeting is one of many Rabbisms I now find myself appropriating later in life.

With Rabb's death in 2010 and his widow, Kathleen, moving to Indianapolis, there are no more Emisons in Knox County.



Thomas S. Emison

Tom was named for his great-great-great grandfather, Thomas. His middle name, Sheperd, was the maiden name of his mother, Tuley. Tuley's father was the manager of a paper mill that was located across the street from Grouseland. Before the DAR saved Grouseland in 1907, Grouseland was the home of the plant manager. Tuley was born in Grouseland and lived there when she was young. She remembered an escape tunnel from the house to the river. Archeologists are still looking for that tunnel.

Tom and Rabb shared many characteristics from their upbringing. Both were gentlemen and very aware of the need to provide public service. They were modest and reserved. Their backgrounds were patrician, but both believed much is expected of one to whom much is given. Tom provided free legal services for most of the non-profit groups in Vincennes, especially those of a historical nature. Similar to his father, who secured money for the original George Rogers Clark Memorial in the 1920's, Tom help secure money for the Visitor's Center in the 1960's.

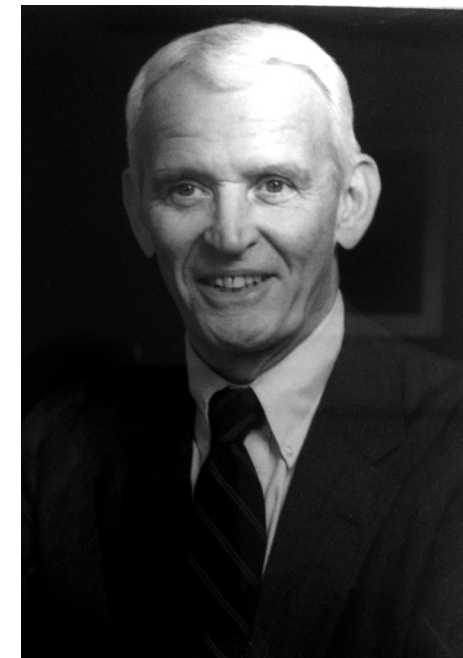
Tom also saw military service. He was commissioned as a 2nd Lieutenant in the United States Marine Corps in 1950. He was called to active duty in 1951 and sent to Korea in 1952 where he saw extensive combat. He was released in 1953 with the rank of Captain. During his service, he contracted hepatitis, which contributed to poor health the rest of his life. Tom then attended Indiana University School of Law at Bloomington, as did Rabb. Tom was extremely intelligent with a Mensa IQ, though he did not like to mention it. At law school, he was Order of the Coif, a top-ranked student and worked on the law journal.

But there were differences. Tom always had a full head of white hair, which was striking on the tan face of the 48-year old man I first met. Tom also walked with a cane. He broke his hip skiing and at the time only a partial hip replacement was an option. Despite the hip injury, Tom walked almost every day to lunch at Marone's. [Fig. 7]

Tom concentrated his legal practice in estate planning, estate administration, real estate and taxes. This is often referred to as transactional law. In my memory, he never tried a case. I was hired to help Tom with his overwhelming estate practice. I owe my biggest debt of gratitude to Tom, my mentor.

Tom was very detail oriented, which is a plus for transactional lawyers. He wrote many scholarly articles that are still read today. On the back of his name plate facing him was the slogan: "Assume Nothing." Tom followed that slogan. He often filled in details left out of Rabb's stories to make them more entertaining.

One Tom story involved



[Fig. 7] Thomas S. Emison (in reception area)

Lunch with the Partners

a lunch at Marone's on a cool fall day. As we began to leave, Tom exclaimed "My coat!" He explained that a coat hanging on the nearby coat rack was his coat lost about one year ago from the very same coat rack. Intrigued, we all sat back down to see who claimed the coat.

Soon, Ralph Alsop, another Vincennes lawyer, then in his seventies, started to put on the coat. Stunned, Tom confronted Ralph about the coat. Ralph, being a lawyer, asked how Tom could be so sure it was his coat. Tom, always a detail man, held open the coat and pointed to his name sewn inside the coat in a prominent location. Ralph agreed that was strong evidence of ownership. Curious, Tom then asked Ralph whatever happened to Tom's car keys in the coat pocket. Ralph reached into the coat pocket and produced the keys remarking: "I wondered whose keys were in my pocket." Tom got his coat and keys back.

While Tom loved the practice of law, his real passion was history. When he graduated from DePauw, he went to Wisconsin, where he got a master's degree in history. He sat on the board of the Indiana Historical Society and was president in 1965 and 1967. He was instrumental in saving or restoring the site of Fort Knox II, the Old French House, the Sugarloaf Indian Mound, the Old Cathedral Library and many more. The boulder on which Jefferson Davis, then a soldier at Fort Knox II and later President of the Confederacy,

proposed to his wife was in Tom's yard for many years until removed to the site of Fort Knox II for display. The Indiana Historical Society has a "Thomas S. Emison" room in memory of Tom.

Tom once hosted a historical ceremony at the site of Fort Knox II. A platform was built for the dignitaries, who included the Mayor of Vincennes. To cut a ribbon, Tom brought with him his great-great-grandfather's sword carried in the Battle of Tippecanoe. After slicing the ribbon, Tom began to sit down. His folding chair went off the back of the platform, causing Tom to fall awkwardly on the platform. He narrowly missed running the Mayor through with the historic sword.

Tom was also an excellent woodworker. In his old office, he left behind a wonderful desk and credenza that he designed and built.

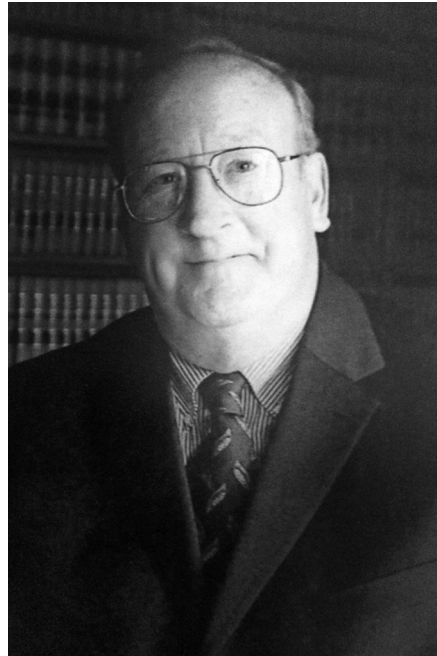
While working with Tom, two different and significant tax reform acts were learned and applied. Tom jokingly said: "One more tax reform act and I quit." Ironically, in 1986, another tax reform act passed and Tom and his wife, Mary, moved to Bloomington, where Tom became a professor of law at the Indiana University School of Law. Tom was promised a full professorship, but a new dean filled the spot, leaving Tom an adjunct professor. He later was diagnosed with progressive supranuclear palsy. Tom died in 1996.

Robert P. Doolittle

In many ways, Bob was the opposite of the Emisons. There had not been a lawyer in the firm other than an Emison for 70 years when he became a partner. He was not from Vincennes. He was not reserved. He was a northern boy from Mishawaka, Indiana who talked fast and walked even faster. [Fig. 8] He and Rabb shared a passion and aptitude for golf and often left the office to “survey real estate.” The two would, on occasion, clash over office procedures and office possessions, which Bob saw as outdated and Rabb saw as history.

However, Bob and Rabb worked together on many significant legal projects, some of which involved Public Service of Indiana, now Duke Energy, and included the building of a large power plant in Gibson County. Bob considered Rabb to be his mentor.

Bob was appointed out of high school to the Naval Academy at Annapolis. After orientation, he declined the appointment and attended Indiana University sight unseen. As an officer of the Phi Gamma Delta (Fiji) Fraternity, he developed relationships with Fiji alums, including a newspaper writer and later governor, Frank O’Bannon, and Bill Keck of Mt. Vernon, Indiana. After graduating from the Indiana University School of Law in Bloomington, O’Bannon and Keck suggested Bob interview with Keck’s brothers-in law, Rabb and Tom.



[Fig. 8] Robert P. Doolittle (in reception area)

Bob had a quick mind and needed to hear something only once before he was ready to act. Meetings were generally believed to be a waste of time. He viewed law as a business and had little time for sentimentality.

When Dave Roellgen joined the firm in 1989, Bob sat him down in his office for some advice. Bob first pointed out that if you expect to get rich, you are in the wrong business. Bob next informed Dave he had more than enough friends, so don’t expect to be friends.

For many years, Bob served as a bankruptcy trustee and did a lot of work in creditor’s rights. He was also a good trial lawyer. A train killed a young man at the 2nd Street crossing near Niblack Blvd. At the time, there were no gates at this intersection. The law requires a train to blow its whistle three distinct times before entering an unguarded intersection. A nun was among the witnesses who stated the whistle did not blow.

But the case still had one big hurdle. The main defense for all train and car accidents is that the driver should see the 20 foot tall train coming. Bob had an answer. He hired an expert from the Indiana School of Optometry to testify about what the decedent could or could not see. The expert arrived in a compact car covered with lights that came on when the brakes were applied. In his opinion, normal brake lights were not sufficient warning.

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The expert was able to show that a combination of tall grass, automobile design and the curvature of the road made it impossible for the decedent to see the oncoming silent train. The railroad's lawyer said the settlement was the largest he had ever seen.

Bob also solved a very difficult legal problem in the area of environmental law. In 1945, on the outskirts of Vincennes, Prestolite built a lead battery factory. For many years, waste material from the factory was piped to the factory's own sewage system. This waste material contained lead and other contaminants. When the pipes clogged, new pipes were buried. In the 1960's, a new highway built to interstate specifications bypassed Vincennes, making the battery site prime development ground on the main access to Vincennes.

Bob, working with a local developer, took advantage of Superfund cleanup money. It took over 10 years, but the site is now a commercial development with a Lowe's, Holiday Inn Express, restaurants and convenience store. The EPA estimates that it added over \$250,000 in annual tax revenue and 200 jobs to the community.

Bob also knew how to have a good time. His home hosted many parties and was always well stocked. In 1976, Rabb, Tom and Bob, along with their spouses, were members of the MAFIA (Mothers and Fathers in Action). Bob was a leader in this group of 39 couples. Each year, the group divided into three families of thirteen couples

and planned three parties a year with themes such as: MASH, Mafia Wedding, etc. In 1976, all three families went together for one big Bicentennial Party. That was my first introduction to the social scene in Vincennes. Despite graduating from the number one party school in the country, I barely survived my first Vincennes party.

In the early seventies, Bob also hosted a gathering of concerned citizens of Vincennes to discuss the educational facilities in Vincennes. The downtown high school and middle school were antiquated with no room to grow. Bob is most proud of the fact that after many years of struggle, the group was able to get a new high school and later a new middle school built on a larger campus. Bob served on the Vincennes School's Building Corporation until it disbanded in 2014, eight years after his retirement.

Bob is also proud of his many years of service as a director and officer of the Knox County Area Retarded Citizens, or KCARC. While on the board, KCARC expanded dramatically, owning several manufacturing facilities for handicapped workers and providing housing and other services.

Rabb practiced well into his late seventies. Tom practiced until he no longer could. Bob always said he would retire at 65, and he did in 2006, moving to South Carolina to live on a golf course near a daughter and the ocean with his wife, Peggy.

Althea Laakman

Rabb, Tom and Bob were strong and intelligent lawyers, but they shared one fear: Althea. She was a perfectionist and almost always right. If you made a mistake, she would find it and let you know about it.

Althea Laakman began work at age 21 with Ewing Emison in 1945 as a legal secretary. She had more seniority than Rabb, Tom and Bob. Ewing originally hired her sister, who left for a better job in Indianapolis after only two days' work. Althea began work as an 18-year old secretary with a local oil and gas company but left when she got tired of being chased around the desk. After working one month with Ewing, Althea had an appendectomy that caused her to miss one week of work. Ewing paid her for the one week and told her to take another five weeks with pay to recover. Ewing did not believe she could handle the stairs at the office. This engendered in Althea a lifelong loyalty to the firm.



[Fig. 9] Althea Laakman and Jeff Kolb circa 1980

Althea was not an imposing figure and lacked post-secondary education, but she had a steel-trap mind that never made a mistake twice and remembered everything she learned. [Fig. 9]

For many years, her office was twice the size

of my office, and she was given one of the four parking spaces behind the office while I parked on the street with the rest of the staff. Rabb, Tom and Bob agreed this was not right, but none could summon the courage to ask Althea to move. She was too important.

She was the prototypical legal secretary yet so much more. First and foremost, she would not tolerate mistakes. She reviewed all work product developed by the firm, correcting grammar, punctuation and spelling. All lawyers would receive their work product with her corrections, usually delivered in person. Even when she vacationed, she would review work product already sent and show her corrections. No matter the length of the document, every comma was properly inserted. It was an amazing amount of work.

She ran the office because Rabb, Tom and Bob let her. Under her supervision, the first office manual was created. For Althea, there must be rules and, more importantly, the rules must be obeyed. She drafted a strict dress code. No slacks or plaids were allowed because they were not dignified enough for the firm. Late-arriving employees were docked and fifteen-minute breaks strictly enforced. Her sensitive hearing caught any unauthorized socializing, which she would stop by simply walking up front. Althea thought it was a privilege to work for the firm, and she required everyone else to have those same expectations.

She did all the hiring and firing of the staff. In fact, she interviewed Bob before he joined the firm. To separate the very good employees from the merely good, she developed three tests which are still used today: typing, spelling and math. She trained the staff to her level of expectations. Staff complained, but they all knew who was in charge.

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Althea was also the firm's first legal assistant or paralegal. She handled estate and trust administrations with her time billed to the client. Though she had no formal training other than her experience with the firm, her knowledge in the area was better than many considered to be experts. She showed the firm that paralegals play an important and profitable role. The firm now has three paralegals for the lawyers.

Althea was also flexible. She never stopped learning. In 1945, she started by taking dictation in shorthand on a stenographer's pad and typing with mimeograph copies. She learned and applied magnetic card machines, IBM selectric typewriters, IBM word processors with eight-inch floppy disks, Wordperfect and Word. She developed ways to use these emerging technologies more efficiently.

Althea retired in 1993 after almost 48 years with the firm. She is over 90 years old, lives in Vincennes and is still sharp. Some recent legal work I did for her came back with corrections.

Beginning in 1945, Althea became secretary of the Brevoort Levee Association and later the Brevoort Levee Conservancy District. Throughout the 100-year history of the levee, she held that position for 59 years, keeping the books and the minutes. She was legendary among the many directors who served on the board because they would not get paid until their record keeping was perfect. Over her 59 years, she was audited every two years by the State Board of Accounts, which never filed an exception or objection to any of her work. That is an extraordinary record.

Vincennes

Vincennes is the logical location for a 200-year-old law firm. Vincennes is ancient. The combination of high ground on a wide, usually gentle-flowing river with a shallow crossing used as a buffalo migration trail attracted inhabitants throughout the ages. Arrowheads and other artifacts from ancient residents can still be found. Two large Indian mounds are reminders of other ancients.

The arrival of Europeans to the Americas led to French trappers and French claims to a vast area that included Vincennes. The wide, gentle river with the Indian name of Wa-bah-shee-kee, and later the French spelling of Oubache, is now the Wabash. The French believed the Wabash ran to the Mississippi because of its large size and flow and that the Ohio River was a tributary.

In an indirect way, Vincennes is named for its now sister city in France, which was a royal hunting preserve east of Paris (now part of Paris). In 1672, the French created the "Seigniorship of Vincennes" in present-day Canada and granted it to the Bissot family, who took the title "Sieur de Vincennes."

The official date of the founding of Vincennes, 1732, corresponds with a visit from the 3rd Sieur de Vincennes, Francois Marie Bissot. Bissot was sent to control the Indians and consolidate French claims against the British by building a fort on the Wabash. He arrived at the site of Vincennes with Piankeshaw Indian allies who would go no farther south because of the Chickasaw Indian raids coming from the south. The Indian village was called Chip-kaw-kee-ung-ee, Che-pe-ko-ke, Chip-kaw-kay or Chippecoke depending on the spelling given to the Indian name. The name also had multiple meanings: brushwood, scrub brush or place of roots. Bissot constructed a very small stockade that

enclosed a house and a barrack for ten men, which was later referred to as "The Post" or even later as "The Old Post." The Indian village adjacent to The Post consisted of thirty to sixty bark wigwams.

Bissot was ordered to go south and join forces with French militia from Louisiana to battle the Chickasaw Indians. Bissot never joined with the larger force but engaged the Chickasaws anyway. He and many of his men were burned by the Chickasaws in 1736. Vincennes was now called Post St. Vincennes because of the martyred Sieur de Vincennes.

Vincennes, now under the command of the Sieur de St. Ange, continued as a French fort, Indian village, and trading post rendezvous for business and pleasure. The rendezvous tradition continues in Vincennes on the French Common Grounds near the George Rogers Clark Memorial each Memorial Day weekend with reenactors and traders.

[Fig. 10] Old French holidays and customs were celebrated in Vincennes well into the 1840's. For over 50 years, the French, Indians and their offspring, Creoles, coexisted peacefully at Vincennes.

The end of the French



[Fig. 10] Vincennes Rendezvous (held each Memorial Day at Clark Memorial)

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[Fig. 11] George Rogers Clark Memorial circa 2019

and Indian War in 1763 resulted in English control of all French claims in Canada and west of the Alleghenies up to the Mississippi River. St. Ange left the Post on the Wabash in 1764, but the English did not take control until 1768. The fort decayed. British General Gage in New York, after receiving information about unruly Vincennes inhabitants and corruption, ordered that the settlement be abandoned. The order was lifted when French settlers objected and filed claims of ownership based on grants from French Kings. The population remained predominantly French and Indian until the Revolutionary War.

At the beginning of the Revolutionary War, the British sent troops to Vincennes and built Fort Sackville, named after Lord Sackville, a British benefactor. Indians armed and paid by England began raids on settlements in Kentucky. It was the capture of Fort Sackville during the Revolutionary War by George Rogers Clark and a small band of frontiersmen that put Vincennes on the map, then and now. Tom summarized the significance: "If not for the capture of Ft. Sackville, we would all be Canadians."

During the Revolutionary War, the governor of Virginia, Patrick Henry, authorized George Rogers Clark to assemble a frontier army for the purpose of stopping Indian raids in the west. Clark's strategy was to capture the English forts that supported the Indians. Clark did not raise a large army, but he found a small group of men skilled in Indian warfare. Many of these were French. The Indians called the men "Long Knives" for the weapon they carried.

Clark began his campaign in the summer of 1778 with the capture of the English fort at Kaskaskia on the Mississippi River. English forts at Cahokia, Vincennes and other small towns gave up without a shot. The British Lieutenant Governor in Detroit, Colonel Henry Hamilton, quickly marched troops to Vincennes and retook the fort with no resistance. It was now winter, with Clark in Kaskaskia and Hamilton in Vincennes. Hamilton sent his Indian allies home to return in the spring when hostilities would resume. Clark made more daring plans.

Clark marched his "Long Knives" over 170 miles from Kaskaskia to Vincennes during February of 1779 through the frozen flooded plains of Illinois and Indiana to capture a fort defended by more men than those attacking it. Clark successfully concealed from Hamilton how many men were in his attacking force and fooled Hamilton into

thinking that Clark had more men than he did. His sharpshooters were also successful in keeping the British from using the fort's cannon. But, most importantly, he convinced the British that he was crazy serious.

The following story is told many different ways and is left out of many histories. While Clark laid siege to the fort, Indians, unaware of Clark's forces, returned to the fort bearing scalps. Hamilton was called the "Hair Buyer" because he paid Indians for American prisoners or scalps. Scalps were easier to carry. Clark's men captured the Indians with scalps. Clark was upset at the scalping practice but also saw a way to make a point with Hamilton and his Indian allies. In full view of the British, he tomahawked the Indians to death. One version has an Indian spared when a Frenchman serving in Clark's army realized, just in time, that it was his son. Another version tells of an Indian chief tomahawked by Clark, removing the tomahawk from his skull and handing it back to Clark to do better next time. Hamilton surrendered shortly thereafter, stating in later writings that Clark was still washing the blood off his hands when Hamilton surrendered. Today, the site of Clark's victory is marked by a circular stone building in a Doric Greek Temple style. This national memorial, run by the National Park Service, is the largest temple-style memorial outside of Washington, D.C., and was made possible by Rabb and Tom's father, Ewing. [Fig. 11]

With the Treaty of Paris, England ceded to the American States the territory that now includes Ohio, Indiana, Illinois and parts of Wisconsin, Minnesota and Michigan. Virginia laid claim to the territory and administered it through Vincennes. In 1783, Virginia ceded the territory to the new United States. American settlers began to move to the frontier, often scornful of the French as lazy and the Indians as savages.

In 1787, Congress adopted the Northwest Ordinance, creating the Northwest Territory. The Northwest Ordinance had many forward-looking features in common with the Constitution of the United States, also drafted in 1787.

In 1800, the Northwest Territory was divided. The western part became the Indiana Territory. Vincennes was the logical choice for the territorial capital. In the large Indiana Territory, it was centrally-

located and was about the only settlement of any size. Chicago and Indianapolis did not exist. Settlements at the Falls of the Ohio, present day Clarksville, Jeffersonville and New Albany, and in Illinois were much smaller. Much of the Indiana Territory was still claimed and inhabited by Indians. Today, a two-story frame building once used as the territorial capital is located, along with other historical buildings, near Grouseland and is maintained by the State of Indiana. [Fig. 12]

In 1800, General William Henry Harrison was appointed Governor of the Territory. He purchased 300 acres just upriver from Vincennes



[Fig. 12] Old Northwest Territorial Capitol circa 2019 (located near Grouseland)

and built a brick, two-story fortress-home in the style of his native Virginia. Harrison called the home Grouseland after a game bird found on the grounds. Grouseland remains today, open to public viewing, thanks to the Daughters of the American Revolution, who saved the home from ruin. [Fig. 13]

On behalf of the United States, Harrison pursued an aggressive plan to buy the land in the Indiana Territory through treaties with the Indians. This caused great resentment among the Indians, as treaties for millions of acres of land were purchased for very little compensation and often from tribes who did not own the land.

This resentment was shared by two Shawnee brothers: the Prophet and Tecumseh. The Prophet used mysticism to gain many followers. Tecumseh took a more political route, attempting to create a union of Indians, which he likened to the United States.

Tecumseh and Harrison met twice at Grouseland. Harrison tried to defend his treaties, but Tecumseh responded that the land was owned by all Indians and cannot be sold without the consent of all Indians.

The debates recorded by Harrison in letters to Washington D.C., still retain their vibrancy today, as the issue was clearly the future of the Indians. At both meetings, the tensions were high and Tecumseh and Harrison needed armed men for protection, including Lieutenant Emison and the Dragoons.

Tension and violence continued in the territory for many years. To defend Vincennes, Fort Knox, named after Revolutionary War hero and Secretary of War, Henry Knox, was built in 1788 on the river edge at the end of Buntin Street on a twenty foot high mound. A historical sign marks the site of the fort. Troubles arose between the soldiers and citizens, so in 1803 the fort was moved upriver three miles to a high bluff. That site is now known as Fort Knox II. In 1811, Fort Knox II was commanded by Zachary Taylor later the 12th President of the United States. Taylor is credited with making the fort defensible. The site of Fort Knox II is owned and managed by the State of Indiana and is open to visitors.

[Fig. 14]

In 1812, Harrison assembled over one thousand men from army, militia and regular troops at Fort Knox II and marched to Prophetstown on the Tippecanoe River near present day Lafayette, Indiana. Harrison knew Tecumseh went south to recruit more Indians to his union. The Prophet was warned by Tecumseh not to start any fights, but he gave in to other Indian leaders and attacked Harrison in the morning. In the Battle of Tippecanoe, Harrison's army suffered more casualties than the Indians but was able to destroy Prophetstown and scatter the Indians. After the war of 1812 and the death of Tecumseh at the Battle of Thames, Indian hostilities greatly declined and many Indians relocated, either voluntarily or involuntarily, west of the Mississippi River. Harrison was nicknamed "Tippecanoe" and was later elected ninth President of the United States, with the help of Samuel Judah, using the slogan "Tippecanoe and Tyler, too."

After the Battle of Tippecanoe and the threat of Indian attack, the citizens realized that Fort Knox II gave them no protection. In 1813, Fort Knox III was built on the site of Fort Sackville, which is now the Memorial grounds. Indian hostilities lessened to where the fort was not considered necessary in 1817.

Vincennes flourished as the territorial capital. At its peak, there

Vincennes



[Fig. 13] Grouseland circa 2019

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were about two thousand residents. Visitors described frame homes with large gardens. The French style of building, involving posts in the ground and mud plaster between the timbers, was still prevalent. These one-story buildings were often one room with wide porches on both the front and back. The old French House built in this style on First Street by the French trapper, Michel Brouillet, is open to the public. [Fig. 15] The Emisons donated furniture to the Old French House, including the rope bed.

But the good times did not last. A division arose between two rival factions that sent Vincennes into decline. Harrison led one faction and Jonathan Jennings led the other. Among many areas of contention were slavery and Vincennes University. Both issues play key roles in the firm's history.



[Fig. 14] Ft. Knox II circa 2019



[Fig. 15] Old French House circa 2019

Slavery

Slavery came to Vincennes with the French. LaSalle was accompanied by his Shawnee slave on his explorations. The early slaves were often Indians taken captive by the French or other Indians, though some slaves were French. Some Indians were sold by their own tribes to pay debts. French laws, on paper, gave some protection to slaves. Slaves were not to be tortured or mutilated, and families of slaves were generally to remain intact. Yet slaves were still property and could be seized as payment by creditors.

Many of the first Americans to arrive in Vincennes were from Virginia and Kentucky and brought their slaves and attitudes with them. In 1783, when Virginia ceded its control of the Northwest Territory to the United States, the Ordinance of Cession stated that territorial citizens “shall have their possessions and titles confirmed to them, and be protected in the enjoyments of their rights and liberties.” Pro-slavery advocates believed this ordinance protected slavery.

In 1787, the Northwest Ordinance, Article VI, stated: “There shall be neither slavery nor involuntary servitude in said territory.” This clear, unambiguous statement did not resolve the issue and for the most part was ignored or marginalized by the territorial government. Territorial courts did not consider the issue, except in 1807 when a court in the Michigan Territory found that Article VI did not apply to slavery existing before 1787. Pro-slavery advocates again relied on this as support.

In 1800, the federal census showed Indiana with 135 slaves and 163 freed slaves. Vincennes was the center of Indiana slavery. William Henry Harrison brought his slaves from Virginia when he was

appointed Governor in 1800. He favored slavery as a way of appeasing the French and other existing slave owners and to develop Indiana and Illinois Territories so that they could become states. George Rogers Clark, the hero of Vincennes, had two slaves working his gristmill near the Falls of the Ohio. In 1802, Harrison organized a public convention to call for repeal of, or a ten-year moratorium on, the Article VI slavery ban.

However, opposition to slavery began to develop in eastern Indiana near Dearborn and Corydon. This area was being settled by a strong anti-slavery group. Among the leaders of this faction was Corydon resident Dennis Pennington, a former Virginia slave owner who freed his slaves before coming to Indiana.

Harrison’s effort in 1803 to legalize slavery in the territory failed. In 1805, the territorial government passed a bill to allow forms of indentured servitude and the return of runaway slaves. Indentured servitude was a written contract where the slave “agreed” to work for the master for a number of years. The contract was typically signed under the threat of the servant being returned to the slave states if the servant did not sign. Harrison was pro-slavery, but there were some circumstances that Harrison could not abide. In 1804, Harrison issued a proclamation prohibiting Simon Vannorsdell from returning indentured servants back to the South to be slaves.

In 1805, Congress provided for a popularly elected legislature for the territory. Only one anti-slavery legislator was elected. The new legislature did not legalize slavery because many legislators wanted the Illinois Territory to be separate. Harrison opposed this measure

because the Illinois Territory was mostly pro-slavery and was necessary to offset anti-slavery advocates.

In 1806, Jonathan Jennings arrived in Vincennes from New Jersey. He intended to practice law, but clients were not abundant. With the help of Nathaniel Ewing, he took a job as an assistant at the federal land office and did well speculating in land. Soon after arrival, he entered into a dispute with Governor Harrison. The original dispute involved Vincennes University, as will be recounted later. However, it was clear that Jennings was anti-slavery. As a result of the disputes, Jennings left Vincennes in 1808 and bought land near Charlestown, Indiana where the majority was anti-slavery.

Harrison would try again to legalize slavery in 1807 and 1809, but now opposition arose from an unlikely source. Thomas Jefferson, the slave-owning President who appointed Harrison as territorial governor, did not want slavery to expand to the Indiana Territory. Jefferson worked with James Lemen, an anti-slavery Baptist minister, to organize a mass meeting of anti-slavery advocates in 1807 at Springville, Clark County, Indiana. Dennis Pennington was a leader at the meeting, along with Jonathan Jennings. The immediate result of that meeting was an anti-slavery petition that contained over six hundred more signatures than the pro-slavery petition. Also in 1807, Jesse Bright Thomas defeated the pro-slavery candidate supported by Harrison. In Vincennes, Jesse Bright Thomas was hung in effigy and burned; however, the anti-slavery faction was gaining the upper hand as the Indiana Territory grew to over 20,000 residents.

In 1808, the pro- and anti-slavery petitions were referred by the speaker of the Territorial legislature to a committee for review. The committee, handpicked by Harrison, consisted of Messinger, a surveyor; Luke Decker, a prominent slave owner and trader; and General Washington Johnston, supposedly a pro-slavery friend of Harrison.

Johnston was born in 1776 in Culpepper County, Virginia. He was named after General George Washington with a name that would forever confuse contemporaries and later historians. He was never a general, though he did fight as a sergeant with Harrison at the Battle of Tippecanoe. In 1793, at the age of 17, he travelled through the wilderness along the Buffalo Trace to Vincennes. He is often

referred to as Vincennes' first lawyer, though it is not clear where he studied law. He was a noted orator and scholar, speaking and reading French fluently. He was present at the beginning of many Vincennes institutions, including Vincennes University. He would later partner with a young Samuel Judah, though they did not part as friends. He founded the first Masonic Lodge in Indiana.

Johnston normally voted pro-slavery, citing the wishes of his constituents. But now confronted with the conflicting petitions, he felt it was time to speak his conscience. He prepared a report that would be widely published and helped turn the tide on slavery in Indiana. The report reviewed the history of slavery in Indiana and the laws. It concluded that slavery is morally wrong. Johnston wrote the report knowing he would not be re-elected and his business would suffer. The report is a good example of political courage, though tempered by Johnston's later actions.

In 1809, Congress created the Illinois Territory, cutting pro-slavery support in half in the Indiana Territory. The anti-slavery proponents swept into office and got to work. Dennis Pennington became speaker of the house. Indentured servitude laws were revoked and legislation passed to prevent the return of runaway slaves.

But slavery persisted. In 1810, the census showed Indiana with 237 slaves and 393 freed slaves. In and around Vincennes, the new laws were ignored on the theory they did not apply to existing slaves.

While the slavery issue continued to smolder, the damage to Vincennes was clear. Harrison resigned as governor to command troops in the War of 1812. Thomas Posey was appointed Territorial governor. In 1813, Jonathan Jennings and anti-slavery proponents moved the Territorial Capital to Corydon. When Indiana became a state in 1816, Corydon became the first state capital, and the new state constitution abolished slavery and indentured servitude. Jonathan Jennings was elected the first governor on the slogan: "No Slavery in Indiana." Still, slavery hung on. In Vincennes, almost all slave suits seeking freedom from 1817 to 1818 were denied.

One case of note was a writ of habeas corpus seeking freedom for Hannah, a girl of color. The Judge was General Washington Johnston, who in 1808 delivered the report calling slavery morally wrong. Johnston dismissed the writ, leaving Hannah a slave. In 1820, the

census recorded 190 slaves in Indiana, of which 118 resided around Vincennes. In 1820, three of those slaves were owned by General Washington Johnston.

In 1820, anti-slavery proponents began the case of *Polly v Laselle*. It appears to be a test case, or “friendly case,” where both sides were anti-slavery, though it is not clear from the record. Representing Polly was Amory Kinney, who had only arrived in Vincennes in 1819. The defense was provided by Judge Jacob Call.

Polly Strong was a mulatto whose mother was a slave captured by the Indians during the Revolutionary War. Polly was born after the Northwest Ordinance in 1787. Antoine Laselle was an Indian trader. His French roots were deep in the Indiana territory. He purchased Polly, then sold her to his nephew, Hyacinth. Hyacinth Laselle was a longtime resident of Vincennes and ran the biggest and best tavern in town.

The writ of habeas corpus seeking to free Polly was denied by the Knox Circuit Court, which found Polly to be a slave because of her birth. The Indiana Supreme Court granted the writ and freed Polly, stating that the people of Indiana through its constitution and laws have the right to abolish slavery. Kinney, for his good work, was assaulted by a mob and severely injured. In 1826, he moved to Terre Haute, where he died in 1859 after a very successful career as a Judge. Judge Jacob Call moved to Frankfort, Kentucky, where it is said he hung himself to death with a silk scarf.

Not long after he filed the writ for Polly, Amory Kinney filed a writ of habeas corpus seeking to free Mary Bateman Clark from her contract of voluntary servitude to General Washington Johnston. Again, this may have been a test case set up by anti-slavery proponents, but the role of General Washington Johnston is not clear. Maybe he helped promote the case.

Mary Clark was born a slave in Kentucky. In 1814, she was brought to Indiana by Benjamin Harrison. Harrison “emancipated” Mary, but then Mary signed an indenture for 30 years to Harrison. Harrison sold

Mary’s contract in 1816 to Johnston. Johnston had Mary sign a 20-year indenture, promising her food, lodging and woolen or linen apparel. At the end of the 20 years, she would get a new suit of clothes not to exceed \$20 in value and one flax wheel. While in Johnston’s service, she married Samuel Clark, a horse handler for William Henry Harrison. They had 12 children, 49 grandchildren, 74 great grandchildren. Similar to the *Polly v Laselle* case, the Knox Circuit Court denied the writ, but the Indiana Supreme Court freed Mary. Mary died free in 1840 at age 50. A historical marker at the Knox County Courthouse memorializes this case and the Polly Strong case.

With these two Indiana Supreme Court cases, slavery in Indiana began to die. In 1830, the census showed three slaves in Indiana, with none in Knox County. However, a separate local census in Knox County in 1830 still showed 32 slaves. There were still three slaves in 1840 but none listed in Knox County.

Runaway slaves remained a problem until the Civil War. Even Jonathan Jennings, as state governor, was forced to recognize the right of slave owners to recapture their slaves. The kidnapping of free blacks was also a problem.

James “Jack” Butler was a free black working for a white family in Kentucky. When he found out he was to be sold into slavery, he escaped to Vincennes in 1801. He began working for Governor Harrison. When the Kentucky family sought to take him back, Harrison “bought” Butler for \$400. Butler entered into an indentured servitude agreement for 15 years. He married and had eight children. After his indenture ended, he tried to help a runaway slave named Arthur. In 1823, Butler’s entire family was kidnapped and sold as slaves in New Orleans. Harrison offered a reward for the capture of the kidnapers and the return of the Butlers. A priest in New Orleans who knew the Butlers helped secure the Butlers’ freedom and they returned to Vincennes. A descendant of Jack Butler cleaned the firm’s office for many years.



Vincennes University

The history of Vincennes University was dramatically altered by the rivalry between Harrison and Jennings. In turn, the funding of Vincennes University played an important role in the law firm's history.

In 1801, Territorial Governor William Henry Harrison created the Jefferson Academy, named after Thomas Jefferson. The academy was for the instruction of the children of the settlers and the Indians. Of institutions of higher learning west of the Allegheny Mountains, only Transylvania College founded in Kentucky in 1780 is thought to be older. Harrison and Academy trustees then petitioned Congress for a donation of land similar to a grant made in Ohio for what is now Ohio University.

In 1802, Harrison held a Territorial Convention. In addition to the request to suspend Article VI of the Northwest Ordinance prohibiting slavery, the convention repeated the request for federal assistance for education. Congress responded in 1804, granting an entire township to be designated by the secretary of the treasury for a seminary of learning. The secretary of the treasury selected 23,040 acres which is now Patoka Township, Gibson County, Indiana, and includes the city of Princeton, Indiana.

Harrison and the Territorial Legislature moved fast and incorporated Vincennes University in 1806 to take over the Jefferson Academy and to receive the lands set aside by the federal government. Among the powers given to Vincennes University trustees by the territorial legislature was the authority to sell 4,000 acres from the grant for its support and to lease the rest.

The original Board of Trustees of Vincennes University consisted of the most prominent individuals in the Territory. Many would later have Indiana counties named after them: (William Henry) Harrison, (Henry) Vanderburgh, (John) Gibson, (Toussaint) Dubois, (Benjamin) Parke and (Francis) Vigo. The others were no slouches. Waller Taylor was one of Indiana's first senators; John Rice Jones was first attorney general of the Indiana Territory; John Badollet, first registrar of the Vincennes Land Office; and the previously discussed, General Washington Johnston.

About one year later, Johnston resigned, apparently upset over an effort by Vincennes University to prohibit French residents from using the Commons on the campus. His vacancy was filled by the newly arrived and ambitious Jonathan Jennings, who became clerk pro tem and later permanent clerk. The effort to prohibit use of the Commons was defeated by the Board, causing an angry Harrison to resign from the Board. Harrison quickly reconsidered and was reelected to the Board less than one year later and named president.

Johnston then authored a pamphlet describing the efforts of the Board to prohibit use of the Commons. Jennings certified Johnston's account as accurate without Board approval.

The Board of Trustees appointed a committee to inquire into the conduct of Jennings as clerk. Before Jennings became a trustee, the Board of Trustees instituted a lottery to raise money. The Board had authority to create the lottery under the 1806 charter. Its goal was to raise \$20,000 but it never came close. Tickets had to be repurchased and the University had to pay the costs. Jennings' role in the lottery is

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not clear, but Harrison and his friends wanted an investigation. More importantly, they wanted an investigation into Jennings' certification of the Johnston pamphlet. Jennings soon resigned from the Board, giving his move to Charlestown and Clark County as the reason. However, he did not forget his treatment by Vincennes University and Harrison.

Instruction at the University did not begin until 1811. The type of instruction differed depending on the instructor hired and was grammar school level only. Instruction appears to have ended in 1818. From 1812 to 1824, the Board of Trustees met sporadically. Vacancies on the Board due to death or resignations were not filled. The big issue was the lack of funding. Tuition alone did not cover expenses.

In 1816, Indiana became a state. The enabling act passed by Congress created another grant of real property to fund education "in addition to the one heretofore reserved for that purpose." In

1820, Jonathan Jennings, now governor, located the new seminary in Bloomington. Indiana University was born. Two days later, the legislature appointed a superintendent to rent the Gibson County land previously granted to Vincennes University by the Territory legislature. The rent went to the Bloomington Seminary. In 1827, a commissioner was appointed by the legislature to sell the Gibson County land and deposit the proceeds into the public school fund, which was used for Indiana University.

In 1824, with no funds, Vincennes University became the Knox County Seminary in order to receive county seminary funds under a state act. From 1824 to 1828, it is doubtful that the Board of Trustees ever met. It appears grammar school instruction began again in 1823 and continued as the Knox County Seminary until 1838.

Samuel Judah Was Jewish

Despite the fact that the word “Jew” is derived from “Judah,” that Judah was one of the twelve tribes of Israel and that Judah was the name given to the southern half of Israel when it split into two nations, I never gave much thought to whether Samuel Judah was Jewish until Rabb related to me how the firm came to represent a Jewish businessman from the East. The businessman was quite wealthy and was well-known because of a son who was a successful corporate raider in the 70’s and 80’s. The father preferred to invest in companies that welcomed his investment. One of those companies owned an abandoned and derelict paper mill across the street from Grouseland in Vincennes, Indiana. The businessman began his search for a lawyer in Vincennes.

As luck would have it, the firm for many years included with its listing of lawyers a history of the firm beginning with Samuel Judah. To the businessman, Judah was a Jew. He also thought Rabb was a Jewish name. A relationship developed between Rabb and the businessman, including mutual visits and golfing at exclusive resorts.

According to family history, Samuel was descended from Spanish Jews. His ancestors flourished in Moorish Spain until Ferdinand and Isabella, the Christian monarchs, conquered all of Spain and persecuted the Jews. As a result, the family hated all things Spanish, as well as the Roman Catholic Church. The family wanderings led to the New World sometime after 1750.

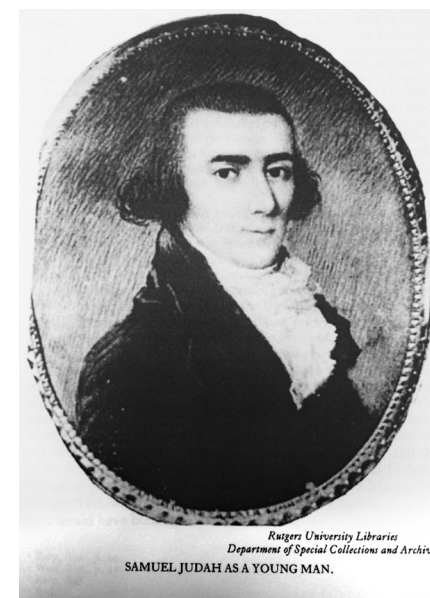
Samuel Judah was named for his grandfather, who had a lucrative fur trade business before the Revolutionary War. The grandfather was very good friends with George Washington and provided Washington and his troops with money and supplies during the darkest hours of the

Revolution. The grandfather lost most of his wealth as a result. Family history states that the grandfather filed a claim with Congress after the war for reimbursement. A claim was allowed by Congress for over one million dollars. Nothing was ever paid on the claim, but a family keepsake for many years was a letter to the grandfather from George Washington thanking him for all his contributions. The letter was lost in a fire.

Samuel’s father, Bernard, was a physician who trained under George Washington’s personal physician. He was also a druggist.

Samuel was born in 1799. He was the first of six children. In 1801, his parents moved to New Brunswick, New Jersey. It is possible that they were the only Jews in New Brunswick. In 1790, there were only 1,800 Jews in all the colonies. By 1812, the number was about 3,000.

Samuel received his preparatory education in New York City, possibly living with relatives. He entered Queen’s College (later Rutgers) in 1812. [Fig. 16] On his graduation in 1816, he became Rutgers’ first Jewish graduate and one of only



[Fig. 16] Samuel Judah at Rutgers circa 1818

Lunch with the Partners

a handful of Jews who had graduated from an American University at that time. The education at Queen's College focused on Latin, Greek and, ironically, Hebrew, as the main purpose of the college was to educate ministers.

There is no doubt Samuel suffered prejudice because he was Jewish. Several incidents are documented. In 1831, Samuel ran for the U.S. Senate from Indiana on the Jackson-Democrat ticket. He led all eight candidates for seven ballots. On the eighth ballot, he was persuaded by the party to withdraw in favor of General John Tipton. The gesture was viewed by most as magnanimous and greatly strengthened the party, but some could not overlook his religion. His former law partner, General Washington Johnston, wrote Tipton saying:

"A number of our citizens in this part of the country are highly gratified that you have succeeded over the Jew – in you they confide, but not in him. He now says he did not care about the two years, but the next six; for which he intends being a candidate. May the Lord in his goodness prevent this."

A year later, Judah wrote to Tipton asking Tipton not to oppose his run for the Senate. This time Tipton got a letter from Thomas Fitzgerald of Michigan listing Tipton's rivals: "Among them Samuel the Jew. Wonder if he will cry again if he is not elected."

Usher F. Linder, an Illinois lawyer, described Samuel in 1836 as having a Jewish face with a hawk-billed nose, the lower point of which looked like it was going to jump down his throat and leave him without

a facial appendage. This colorful description is an obvious Jewish caricature when Samuel's pictures are reviewed.

Samuel was probably the first Jew to live in Vincennes. He was soon followed by other Jews, including Adam Gimbel, who built his first department store in Vincennes even before Gimbels in New York City.

Some of the histories refer to Samuel as assimilated because of his marriage to a Christian woman and his children being raised Christian. There is evidence to the contrary. Johnston, in 1831, refers to Samuel as "the Jew." Fitzgerald calls him "Samuel the Jew." Linder, in 1836, clearly identifies Samuel as Jewish. The family history says nothing of Samuel converting. Samuel's son, John, later rented space in Indianapolis to the first Jewish congregation at a discount in honor of his father's beliefs.

The prejudice admitted, the question becomes whether it impacted Samuel's career. He did not become a U.S. Senator, but his accomplishments were so great and beyond the norm it is clear that Samuel did not let prejudice stop him.

Ironically, Samuel's son, John, would later write to a good friend asking whether he should change his last name from Judah to his mother's maiden name, Brandon. The friend responded at length about the virtues of the tribe of Judah but concluded that there was nothing stronger than Christian prejudice. He recommended the name change. John Judah changed his last name to Brandon.

Samuel's Peculiarities

There are several accounts that refer to Samuel's "peculiarities." As a young man, Samuel Judah is described as "five feet eight inches in height, slender, well-proportioned and handsome, with wavy hair and brilliant dark eyes." He had a gay laugh and was cultivated and witty. [Fig. 17] In 1840, John Parsons, on the recommendation of Judge Blackford, visited Samuel in Vincennes, the judge's hometown. Fortunately, Parsons kept a diary which was later published. About Samuel, he wrote:

"I accordingly set out to find Mr. Judah, who received me most warmly and when I found a most extraordinarily interesting gentlemen of a little past forty, perhaps, with remarkably fine piercing black eyes. He is a native of New York, and came to Vincennes some years ago. He is most proficient in the Greek and Latin languages and possesses an interesting library whose contents I took pleasure in noting. Having learned the purpose of my visit, he was even more gracious and affable if such were possible, and invited me to remain to a meeting to be held that same afternoon at 4 o'clock, in his office of the Historical and Aquarian Society."

In 1879, a less flattering description is given by Usher F. Linder, an Illinois lawyer who met Samuel in 1836 and admitted a mutual dislike. Linder represented Vincennes University when it

sued Samuel in 1858 to return his legal fee. He describes Samuel as below medium height, rather bent and bowed in front. He was a dry and indifferent speaker with the voice of a squealing pig. He was vain. Linder's description of Samuel's Jewish face was referred to earlier.

Later in life, Samuel is described by his own family as being "irritable, easily excited and violent," though never toward the family or children. He drank alcohol for momentary relief from rheumatism, though he was not considered an alcoholic and no alcohol was kept in the house.

Also, Samuel cried. As noted earlier, Thomas Fitzgerald, in his letter to General John Tipton, wondered if Samuel would cry again. Linder, when asked about Judah's presentation of a case in Lawrenceville, Illinois, likened it to the "squealing of a pig." Judah, overhearing the remark, said "Damn you" with what Linder described as a half cry. After dinner apparently attended by Linder and Samuel, the jury returned a big verdict for Samuel's client. Samuel turned to Linder and said: "That was pretty good squealing. Damn you." Linder reports that everyone in the courtroom burst into obstreperous laughter.

To show Samuel's vanity and crying, Linder relates another story. Samuel was apparently proud of a painting of himself and took Linder to see it. On entering the artist's studio, the door was left



[Fig. 17] Samuel Judah circa 1840
(in reception area)

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open. When the artist turned the painting around, it was standing on the floor. A large dog came in the door and urinated on the painting. Linder complimented the painter on such a good likeness the dog could not tell the copy from the original. According to Linder, Samuel began to cry and cussed at Linder. Linder ends the story with the two having dinner to forget. This story sounds more like an old joke with Samuel inserted into the punchline, but it reflects Linder's opinions of Samuel's vanity and crying.

The crying may be linked to Samuel's desire for respect. In a letter from Merom, Indiana to his younger sister, Miriam, a 20-year old Samuel lectures her on the need for respect. Respect he tells her, is everlasting and only comes from either wealth or knowledge. He then instructs her on how to obtain knowledge. The reported instances of crying often involved circumstances when Samuel did not get the respect he thought he deserved.

There may be another explanation: rheumatic fever. The family history described his early days in Indiana as suffering from ague, which is characterized by alternating chills and fevers. Ague is often associated with malaria, but in Samuel's case, it may be something more. In a letter to his sister, Miriam, dated August 24, 1821, Samuel describes a three-month illness in the fall of 1820 with periods of intermittent or spiking fever. This is ague.

Scarlet fever or strep throat, which is caused by a Group A streptococcus bacterial infection, is a possible cause of Samuel's ague. Untreated, scarlet fever can cause rheumatic fever. Samuel suffered from rheumatism caused by rheumatic fever. The symptoms of rheumatic fever include hot, red, swollen, painful joints and outbursts of unusual behavior such as crying. This could explain Samuel's peculiarities.

Samuel and Vincennes

So why does a 19-year old, highly-educated man leave civilization and head west into the wilderness. Apparently, there was a generational dispute over politics. Samuel's grandfather and father were ardent Federalists with a strong belief in central government and representative government. Samuel, however, followed the politics of Jacksonian-Democrats, which advocated direct voting by the citizens.

In 1819, Samuel headed west with a group of "interesting people" walking to Indiana. He first settled in Merom, Indiana, which is located on a high bluff overlooking the Wabash River and the Illinois prairie about 32 miles upriver from Vincennes. Merom was then the county seat of Sullivan County. Judging from his letters to his sister, Miriam, he was there at least one year. While he was poor and sickly, he seemed to make friends easily. While convalescing in Carlisle, he described his circle of friends as two young lawyers, two young doctors, a newspaper editor, a commission merchant, a former US major and two old sea captains. Samuel was surprised to find such a lively and entertaining group.

Samuel moved to Vincennes in 1821 or 1822. While Vincennes was still the largest city in the Indiana territory, it suffered greatly from the loss of the territorial and state capitol and lack of funding for

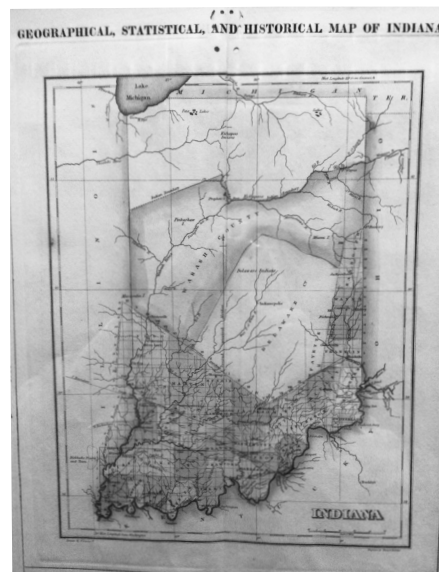
Vincennes University. The population was down to a little over 1,000 people. An 1822 map of Indiana displayed in the firm hallway still shows the northern third of Indiana as owned by Indians. [Fig. 18]

The Bank of Vincennes, founded in 1814, was the depository of state money and land office money. Jonathan Jennings and most state legislators were owners of the bank. Large loans were made to the Vincennes Steam Mill Company owned by Benjamin Parke and other prominent residents. In the national panic of 1819, the steam mill failed, putting the bank in great distress. The bank finally failed in 1821, but not until a controversial dividend of 40% was paid to each owner.

In 1820, Vincennes was struck with an epidemic, probably yellow fever. Over one-third of the population contracted the disease, and about one-third of those infected died.

Samuel, however, flourished in Vincennes. Like most lawyers, he travelled from court to court and spent considerable time in the state capital of Corydon, lobbying the legislature and arguing Supreme Court cases.

By 1825, he was well-known as a lawyer, an orator and a leader. In 1826, he gave the Fourth of July oration that was printed in the *Western Sun* newspaper. His racy and original wit made his company much sought after. He met and married Harriet Brandon, the only



[Fig. 18] 1822 map of Indiana
(in hallway)

daughter of a prosperous Corydon businessman, Armstrong Brandon, who was U.S. Postmaster, State Printer and Editor of the *Indiana Gazette*. Harriett Brandon was a Methodist.

In 1823, Samuel purchased a lot on Second Street in Vincennes for six dollars. In 1826, he purchased the surrounding lots until he owned a city block of two and one half acres on the corner of Second Street and Hart. There, he built a two-story frame house, 26 feet by 20 feet with three rooms below. Both Samuel and Harriett were fond of horticulture. They introduced Vincennes to many tulips and tea roses. Their garden was the best in Vincennes and the first with asparagus and celery.



[Fig. 19] Close up of Samuel's house from 1853 lithograph (in reception area)

[Fig. 19]

In 1827, Samuel's father, Bernard, braved the long trip from New Jersey to visit his son. Bernard kept a daily diary describing his method of travel and the places and people he met. This diary would later be published and is a fascinating slice of life in 1827 America.

The trip, though lengthy and arduous by modern standards, was considerably easier than Samuel's trek west eight years earlier. Steamboats and stagecoaches filled in some gaps, though the last three days from Louisville were still by horseback.

In 1827, Bernard noted that Vincennes had about 1,600 residents. Stores were well-stocked, and trade was from 40 miles around. Profits were large. Groceries came from New Orleans. The public library of which Samuel was a director had over 1,800 different books. Samuel's garden was the best in town and contained sheep, two horses, two cows and bee hives. From Samuel's porch, Bernard could see the prairies on fire at night clearing land for the farmers.

Among Bernard's many observations were:

Immigrants: Pass through Vincennes daily – rich to Missouri; middle class to Indiana and Michigan; and the poor to Illinois, which has bad roads and bad public houses;

General Washington Johnston: Not a military man – looked anything but his name – poorly clad – summer pantaloons, shabby clothes and cloak to hide all;

Blacks: Many blacks – poor miserable race – great deal of pride;

Whiskey: Can't drink it – drunk like water – smells like bed bugs;

Food: Very cheap and abundant – way too much of it – ate too much, deliver me from their cooking; and

Land: Everyone buys land – cheap and abundant.

Bernard, like Samuel, seemed to make friends easily. He attended Harriet's Methodist Church and went to see a Presbyterian minister who was supposed to be a good speaker. On his travels, he stayed with Christian clergy and attended churches.

Samuel apparently had a cook who saved a salted cod to prepare for Bernard. Cod was a delicacy in Vincennes, but to Bernard, who was from the east coast, it was a staple. The cook was puzzled and hurt when the meal was consumed without comment.

As Bernard noted, land was the investment everyone was making, including his son, Samuel. Between Busseron and Broadway on Second Street, Samuel purchased contiguous commercial lots, which became known as Judah's Row. Samuel also owned a building on the corner of Second and Busseron, where the firm offices remained for close to 100 years.



[Fig. 20] Samuel's Farm house circa 2019

In addition, Samuel purchased a 172-acre farm about two miles outside of Vincennes and built a lovely home there as well. The farm later grew to over 300 acres. That home is still a private residence less than one block from where I live now. [Fig. 20]

Samuel and Vincennes

In 1839, Samuel sold his home on Second Street and moved to the farm, where he would live for the next 20 years. The house on Second Street was now brick and eventually sold to Dr. Baty. Dr. Baty added a three-story addition, which is believed to be Vincennes' first hospital. The building, now apartments, is marked with a historical sign.

Vincennes continued to prosper. A lock on the Wabash River around Mt Carmel, Illinois allowed steamboats up the Wabash to Vincennes. In 1836, over 800 steamboat visits were recorded. The Vincennes riverfront became industrialized with grain mills, paper mills, glass factories, slaughter houses and warehouses. [Fig. 21] In 1854, the railroads came to Vincennes, which quickly became a major train stop.

There is a remarkable lithograph of the City of Vincennes dated 1853, but more likely shows an 1857 Vincennes. An original of the lithograph hangs in the firm reception area. [Fig. 22] A company in



[Fig. 21] Vincennes Riverfront circa 1880 (in library)

Philadelphia sent individuals to map the city. It then sent artists to draw every building in the city from a certain perspective. In this case, the perspective is Vincennes as seen from the river. Finally, someone would imagine themselves high above the city looking down on the streets and place the buildings as drawn in the right location.

The Vincennes lithograph shows an idealized Vincennes, but it is remarkably accurate. A close inspection shows a very prosperous city with riverboats and railroads. Grouseland is shown, as is Samuel's old house on Second Street, which was Baty's home in 1857. The old French House is also shown, as are the two Indian Mounds. Some of the buildings shown still remain in Vincennes.

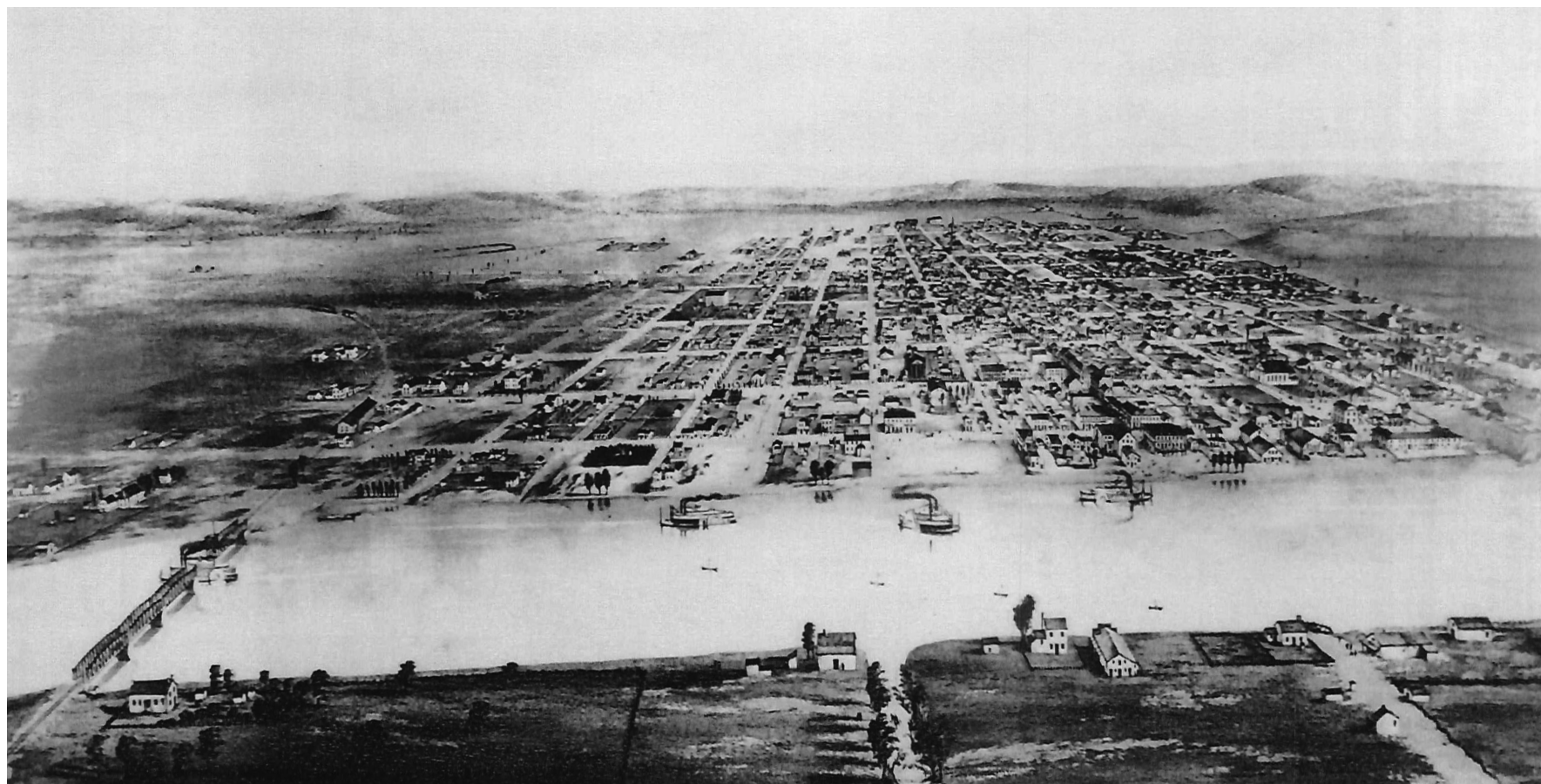
All this wealth was reflected in Samuel's law practice, which did very well. He was considered the best-read person in Vincennes and its best lawyer. He was on one side or the other of every important case.

In 1849, he was a "learned lawyer with a national reputation."

Samuel took great delight in encouraging young students. He opened up his library and tutored many young men in Latin and Greek. He also trained many future lawyers.

Samuel and Harriet had eleven children, but only six lived to be adults. All were raised Christian. Samuel was not an indifferent father, but his own son concluded that Samuel could not speak to children. Father and son would take long trips with very few words exchanged. However, Samuel never yelled at his children and would surprise them with ponies or trips to see a showboat that came to Vincennes. It is very telling that two of his sons, John and Noble, became distinguished lawyers in their own right and were very proud of Samuel's legal accomplishments.

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[Fig. 22] 1853 lithograph of Vincennes (in reception area)

Samuel's interests did not involve the family, and Harriet bore the burden of raising the children. Samuel was often gone to courts and capitols or engaged in many activities in the city, such as the library and the Vincennes Historical and Antiquarian Society. Politics also took him away from home.

Samuel was also a bad or indifferent investor. Judah's Row was not profitable. The farm was subsistence. Samuel invested in a plank road from Vincennes to Bruceville. A "plank road" was a grant from local government to take over and improve a local road and collect

tolls. While gravel and rock made a more permanent road, it was too expensive. Most plank roads were made of wood that was abundant. Wood was not durable, so maintenance was constant. Samuel's plank road ran by his farm, but it was never profitable. It became Fairgrounds Avenue and is now Washington Avenue. In 1866, three years before Samuel's death, the *Western Sun* newspaper urged everyone to skip the toll because the road was in such bad shape and old Samuel Judah should not benefit. The *Western Sun* was owned by George Greene, who was called a "copperhead" because of his southern sympathies.



[Fig. 23] Samuel Judah circa late 1860's

During the Civil War, his newspaper business was ransacked by Union supporters. Greene was not a fan of Samuel because of Samuel's politics, Whig then Republican, his anti-slavery position and Samuel's large legal fee from the Vincennes University case.

Money received from the Vincennes University case was invested in a block of property in Indianapolis on east Washington Avenue, across from the courthouse. It was called the Judah Block. However, problems with

contractors delayed any profit on that investment.

Harriet's father died in 1832. She invested her inheritance in the farm and was increasingly worried about Samuel's investments and debts. In addition, as noted, Samuel was irritable and easily excited. Harriet asked Samuel for a separation. When he refused, Harriet divorced Samuel in 1860. Samuel was devastated. He moved back to Vincennes and lived at Fifth and Broadway. Until his death in 1869,

he was cared for by a German couple. He stopped drinking and kept in contact with his family, though he and Harriet never reconciled. His finances improved with large railroad fees. His oldest namesake son, Samuel, Jr., seemed to harbor some resentment toward the "old man" and his predictions about Samuel, Jr., but the younger two sons admired him. Noble Judah, a highly respected lawyer in Chicago, maintained the farm house as a beautiful and picturesque country home for many years.

In his will, Samuel provided that all of his papers be destroyed so that no one else could examine them. At the time, it was speculated that many secrets died with him.

As it does today, the local bar association adopted a resolution on Samuel's passing memorializing him as the most learned, most venerable, most distinguished and most intelligent member. Even Samuel's old foe, the *Western Sun*, recognized his accomplishments, though with reservations:

"Mr. J. at one time occupied the very highest position in our courts, but had, for years previous to his demise, lost his prestige, and made no effort that we are aware of, to regain it. He was undoubtedly a man of learning and genius but of peculiar prejudice and passions, not calculated to win him many close or sincere friends – however, his acknowledged abilities forced a certain degree of respect."

In 1879, Usher Linder also gave Samuel his utmost respect. Samuel would have been pleased with the respect. [Fig. 23]



Samuel the Politician

Samuel had a passion for politics. It was that passion that drove him west to the wilderness when he argued with his Federalist father and grandfather. It is not clear if his original affiliation was Jacksonian-Democrat, but that soon became his party. In 1824, he attended the first convention of the party. Even though only 25, he was the primary author of the party platform. He also wrote the 1828 platform.

Samuel was first elected to the Indiana House of Representatives in 1827 at the age of 28. He was a strong supporter of internal improvements: roads, canals and river navigation. He helped organize Indiana when Andrew Jackson was elected President in 1828. In 1829, Samuel was appointed U.S. District Attorney for Indiana in return for his help in getting Jackson elected.

It was while he was U.S. Attorney that Samuel ran for U.S. Senator from Indiana in 1831. Samuel withdrew in favor of General John Tipton. In the election two years later, Samuel was again unsuccessful.

In 1833, Samuel resigned his well-paid post. Multiple reasons are given from varied sources. Calvin Fletcher alleged in a letter to General Tipton that Samuel used a fictitious name to gather information in litigation. One account says Samuel was forced to resign because of this allegation. This seems unlikely given the fact that litigation at this time did not have many rules, ethical or otherwise, and the Jacksonian party was not known as ethical sticklers.

Another reason may be his treatment in his run for U.S. Senate. It appears prejudice against his religion played an important role in denying him the respect Samuel wanted. To move forward, Samuel may have resigned from what he saw as an unwinnable position.

More likely is an account that noted that Samuel was becoming more critical of Jackson as a president. Jackson's view of the president as the voice of the people and his disregard of Congress had former supporters calling him "King Andrew." In 1834, Samuel and his good friend, Henry Clay of Kentucky, began to form a new party in opposition to Jackson. They called themselves "Whigs" and began to emphasize the role of Congress. It appears Samuel outgrew "King Andrew."

Samuel ran again for the Indiana House of Representatives in 1838 as a Whig and was elected. In 1840, Samuel chaired the Whig convention held in Indianapolis. As chair, he oversaw the reorganization of the party and the nomination of William Henry Harrison as the Whig candidate for President. Samuel gave the keynote speech of the convention and received national acclaim. The Indianapolis newspaper described Samuel as one of the greatest lawyers in the state. Harrison was elected but died shortly after his inauguration. From 1840 to 1841, Samuel was Speaker of the Indiana House of Representatives. In 1839, the *Western Sun* republished a sketch of Samuel in the *Indiana Democrat* newspaper:

"Mr Judah was decidedly the ablest man in the House of Representatives. Not that it is to be understood that he possesses the greatest natural ability but that he had qualified himself in a superior degree for the duties of his station, by reading and research, and by the minute and accurate investigation of those principles upon which the success of legislation depends. He is an unostentatious man, one who does not rely upon a splendid exordium, or a finely finished personation for his standing in the House. He is a laborious man,

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and who seeks to make himself useful, by a careful and discriminating application of his natural industry to subjects which concern the community in which he lives. During the hours which are usually devoted to rest or recreation, he is found at his books in the room of the Judiciary Committee, investigating those subjects which the wants and conflicting opinions of the community bring from time to time before the House. He is therefore in the fullest sense of a word, a working man; one who seeks by his inordinate anxiety and consequent labor, to make himself a valuable member of the House. Such he undoubtedly is, and he could be illy spared from the legislation of the state. His own personal aggrandizement would lead him to seek some other field for the exhibition of his powers, but he appears content to acquit himself as a useful man. In a debate he is uniformly courteous and gentlemanly, and although he has sometimes been assailed in the House, (by those who were incapable of answering his arguments), with coarse and violent language, (the best acknowledgement in the world of his powers), it has lost him no friends. He will probably be a candidate for the office of Speaker, at the next session, if he is as he ought to be elected; personal intercourse, he is friendly, engaging and warm hearted, and the citizens of Knox have established a claim to intelligence in choosing him so frequently for their representative.”

Perhaps that sketch was too flattering because, in 1841, the *Western* ran another article on Samuel from the *Indiana Democrat*. The article compared Samuel to Thaddeus Stevens, a fellow Whig, who later became famous as a Republican congressman from Pennsylvania who worked hard to pass the thirteenth amendment abolishing slavery while Lincoln was president. In 1841, Stevens was a member of Pennsylvania’s House of Representatives but a well-known anti-slavery advocate, which drew the attention of the *Western Sun*. Though lengthy, the comparison shows insight into Samuel and Stevens:

“Plutarch had a happy faculty of selecting illustrious men whose characters bore a strong resemblance to each other and by placing their biographies side by side he showed their peculiarities with great prominence. Had Plutarch lived in these days he would have found his knack of comparing great men put severely to trial in finding any one else of the whole human family with whom either of the

men, whose names head this article, bears any resemblance; and they resemble each other only in one particular, and that is they are each like nobody else. Indeed when Lineus tried to find some class, genius or order in which to place the laughing and crying hyena in the great chain of animated nature, he seemed to think they were never designed for links-but were thrown in by the hand of nature as mere eccentric appendages to her regular creation. Judah has more cunning than Stevens and he has read more. Stevens, however, has more fortitude & is a better orator. Judah is nervous, Stevens is not, Stevens never hides malice, Judah always does till he takes vengeance. They are neither of them to be opposed by trifles. All will admit that they both possess a high order of talent. So, far as we are able to judge they are both supremely selfish. We have heard them both make speeches. Stevens is commanding, dignified, fierce but eloquent. His remarks are sometimes closed with a beautiful cadence which delights all who hear him. Judah is in many particulars the reverse of this. Thaddeus we believe thinks about as highly of whiggery and anti-memory as Judah does. Men of their great penetration, foresight and knowledge of human character, must see that such things as whiggery, anti-masonry, abolition, “defaulted,” “standing armies,” “hard cider” “coon skins,” “log cabins,” etc.” are excellent baits to “draw on” the ignorant and thoughtless. Their own political aspirations induce them to use such gulls when they will product effect. There is a certain geographical sphere for each of the above baits to effectively operate in. Sam and Thaddy would never do to be put in the same deliberative assembly. Thaddy would skin Sam, and Sam in turn would so perplex Thaddy as to throw him into fits.

Now let us look a moment at each one separate. Sam in our estimation has not one redeeming character. One half of his traits are positively bad, the other half are negatively bad. Both halves conjoined neutralize each other. For instance he is a whig (professed) – he looks upon whiggery (ostensibly only) as the very thing to save the nation. Yet he opposes the leading measures of the whigs as humbugs. As long as the party sticks to “log cabins,” “coon skins,” “banners,” “possums,” and such weighty matters, Sam goes with them. When they advocate Clay’s land bill and the sale of the eternal lone quarries on the Rocky Mountains then Sam is off at a tangent. He knows

Samuel the Politician

that the whig party is only held together by a cobweb tie, such as a few Tippecan o songs, banners and buckeye poles. He is not the man to identify himself in full with the projects of such men as Governor Bigger, Henry Clay, General Stapp or Ex Governor Wallace, Sam has more cunning and more hard sense than all of them. Though he leaves whig leaders, he is far from being, as some of the whigs have lately denominated him, a "loco foco," meaning, we presume a democrat. He takes his own course – a genuine Judhaite – a perfect Arab of the desert – his hand against every man and every man's hand against him. No doubt our senior friend had Sam's eccentricities in view when he selected him as speaker of the whig legislature. As the whigs of Indiana have never yet avowed any doctrines except log cabins, etc, we hope the people will look upon the principles avowed by the Speaker of the whig party of Indiana. Indeed it is nothing but

fair to suppose that the choice of a whig legislature would be one who advocated their own sentiments.

Samuel lost his election in 1841. One account attributes Samuel's loss to his failure to get anything significant passed. It is more likely that Harrison's sudden death and President Tyler's removal from the Whig party caused a breakdown in party support and the eventual demise of the Whig party. In 1842, Samuel considered another run for U.S. Senate as a Whig. The *Western Sun* spent considerable ink in opposition. Samuel did not run. In 1854, Samuel became the first of many firm Republicans but never again ran for office. In 1859, Samuel loaned the county \$2,693 to avoid default on railroad bonds. The Republican county treasurer cited Samuel's "kindness" for saving the county's credit and reputation.



Samuel the Lawyer

Friend and foe alike all agreed that Samuel was one of the great lawyers of his time. Even Usher Linder, who admitted disliking Samuel and provided unflattering descriptions of Samuel, called him one of the greatest lawyers in the Old Northwest. Despite his shortcomings, Samuel was a brilliant genius in the courtroom.

One of his first Vincennes clients was Luke Decker, a prominent landowner for whom Decker Township and the City of Decker in Knox County are named. Decker was also a slaveholder and slave trader. In 1819, Decker cosigned a promissory note for \$400 given by Simon Vannorsdell to Jonathan Purcell to purchase two black women and two black children. The slaves were later taken by force from Purcell's agent and set free.

Nevertheless, in 1821, Purcell sued Vannorsdell and Decker on the note. Vannorsdell hightailed to Illinois, leaving Decker to pay the note. Decker hired Samuel. On the face of the note, Samuel held a losing hand. However, Samuel came up with a defense that is still good today. A contract, or in this case, a promissory note contemplating an illegal activity is invalid. Because the note was for slaves and slavery was illegal, the note was invalid. Purcell changed his story and tried to separate the note from the slave transaction. During litigation, Decker died, but eventually the lawsuit was dismissed and Samuel was successful.

Samuel's attitude toward slavery is not expressly discussed, other than he ended his life as an anti-slavery Republican. There is a story from James B. Lewis, a lawyer in Madison, Indiana about Judah and slavery. Lewis wrote in 1873 about early lawyers. In writing about the

Honorable Jeremiah Sullivan, Lewis states that Sullivan, along with Samuel, successfully contended that under General Clark's treaty with the French, slaves could not be transferred to other persons. The facts involved a servant, Amos Phillips, indentured to Samuel and brought by Samuel to the legislature. Sullivan then took Phillips to Madison. Judah sued for his return and Phillips was set free. It was a "friendly case" similar to Polly Strong and Mary Clark.

Another story involves Isaac Blackford and Samuel. Samuel received a decision from the Indiana Supreme Court that he wanted to delay. Blackford, at that time, was responsible for reporting the decision but was known to be fastidious and slow. Samuel questioned the spelling of several words in the written report, knowing it would delay the decision. It took Blackford several days to confirm the spelling, but by that time the decision could not be reported until the next term.

Another story involves a young Samuel arguing a case 25 miles from Vincennes. Samuel argued the law, but the judge disagreed. Samuel told the judge he would prove the law the next morning. Samuel rode overnight to Vincennes, a dangerous task in the dark with poor roads, and returned just in time to give the judge a law book proving Samuel's point.

Perhaps the most intriguing story came from a Lincoln historian. His research indicated that Samuel took the deposition of Abraham Lincoln because Lincoln was the lawyer for the railroad involved in litigation with Samuel's clients. In hope of an early original Lincoln signature, he searched old records in a garage behind the office for several days to no avail.

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Samuel's fame was not limited to Indiana. In 1844 and 1846, he was co-counsel with Henry Clay on important lawsuits involving title to real estate in New Orleans. In 1859, he began representation of the Ohio and Mississippi Railroad Company that would take him to the United States Supreme Court twice.

As railroads began to expand across the United States, towns and counties competed for the location of the tracks. A railroad junction meant prosperity. Many cities and towns would subscribe to bonds issued by the railroads as incentive. When the railroad was built, some cities and towns did not pay on their bonds. Samuel was hired on a commission basis to make the entities pay. This was difficult because it involved a legal theory, "mandamus," not yet recognized in the United States. "Mandamus" means a judge can order an elected official to carry out the duties of the office. Even today, it is a controversial remedy because it involves one branch of government telling another branch what to do.

Representing the elected officials of cities and towns was Samuel Vinton, a well-known lawyer from Cincinnati, and J.P. Benjamin, a lawyer from Louisiana who was a senator and considered the equal of Daniel Webster.

The first trip to the U.S. Supreme Court established that the debt was properly issued by the entity. The next trip was to the Indiana Supreme Court, which agreed mandamus was appropriate, given the elected officials' refusal to act. In 1859, Samuel went to federal district court and got an order that the elected officials should levy a tax and

pay the debt. The *Western Sun* criticized the federal district court's order and questioned whether it could order such a tax or levy. It didn't overlook Samuel:

"The writer in the Journal made special allusions to Mr Judah's speech in the case. It was indeed a remarkable one. Through it all there ran, if we are correctly informed, a vein of impotent malice and vindictiveness most amiable to contemplate, and certainly wonderful in so old a man. The good people of Knox county were charged with reputation of the basest sort – with fraudulently evading the payment of their honest debts.

"Ay," said Mr Judah, "so great have been the benefits accruing to Knox county from this Railroad that there is not a vile wretch of all these repudiators that would not, if it were again submitted to the people, hurry, yes hurry to the polls to vote for the subscription of stock. I do not hesitate to call any man of them a vile wretch, as I have done under my own roof, and it has brought the blush to their cheeks."

"Such language as this is rather calculated to postpone the collection of the debt, and what is of far more interest to Mr Judah, of his fat fee also."

A second trip to the U.S. Supreme Court upheld the remedy of mandamus. The U.S. Supreme Court adopted Samuel's statement of law, which was and is a rare tribute. Samuel's fee was a reported \$20,000 or about \$600,000 today.

Samuel and Vincennes University

Samuel's most famous case involved the funding of Vincennes University. It was an impossible case that only Samuel could see winning, and it took over 20 years of his life to complete. The case involved two trips to the Indiana Supreme Court and one trip to the United States Supreme Court. The very existence of the University depended on its successful outcome.

Samuel had a lifelong affinity for education and reading. When he arrived in Vincennes, Vincennes University existed, but there had been no instruction since 1818. Instruction resumed in 1823 as a grammar school. In 1824, Vincennes University became Knox County Seminary School to receive funding.

It is not clear when or how Samuel became involved, but it appears he joined the Board of Trustees after the 1838 legislation reinstating the University. The problem, as always, was funding. The school had very limited resources. As a lawyer, Samuel was aware of the 1804 grant from Congress of the township in Gibson County and the 1806 creation of Vincennes University by the Territorial Legislature to receive the proceeds from that land. As a politician, Samuel was aware of the state's expropriation of the Gibson County land for Indiana University. If that result could be reversed, the sale of over 20,000 acres would provide ample support.

But there were two very significant legal problems. First, there was no Vincennes University. In 1824, it became the Knox County Seminary School. In order to enforce the 1806 grant, Vincennes University would have to exist.

The second hurdle was even higher. The State of Indiana could not be sued unless the state passed legislation allowing the litigation. This

is based on the legal doctrine of sovereign immunity, which still exists. Today, however, there are many exceptions allowing the state to be sued under many different circumstances. In the 1800's, there were no exceptions.

For Vincennes University, this meant it would have to sue the people who purchased the land from the state, seeking to eject them from land some of them had owned for over 20 years. It seemed impossible.

The first hurdle was cleared in 1838. Samuel was elected to the Indiana House of Representatives, which had a majority of Whig representatives. Samuel managed to secure passage of legislation that reconstituted Vincennes University and filled its Board of Trustees. The bill even specified that this revived Vincennes University was the same as the original founded in 1806 and that it took over from the Knox County Seminary School, which in turn had taken over from the original university. It is possible the legislature did not realize that this simple bill would lead to extensive litigation over funding Vincennes University for many years.

Samuel and his partner, George Gibson, were both on the revived Vincennes University Board of Trustees. Shortly after 1838, they gave the Board of Trustees an opinion that it should begin litigation to eject those from the Gibson County property who acquired title from the state. The Board of Trustees, knowing the risks, did not agree and thought it best to get a second opinion. It paid Samuel and Gibson to collect all of the information it could about the issues and send it to Chancellor Kent for a second opinion. This was done in 1842. Gibson then left the partnership to become probate judge.

In 1842, James Kent was 79 years old. He was the first professor of

law at Columbia University, whose law school is now named for him. In 1798, he was appointed to the New York Supreme Court and was made chief judge in 1804. Kent was well-read in Roman and English law. He was particularly interested in equitable remedies developed by judges under the common law. This area was often overlooked in early American law. For lawyers like Samuel, almost all of the British common law adopted by the American states came from reading Blackstone's Commentaries. Chancellor Kent, from 1826-1830, produced four volumes entitled "Commentaries on American Law." This work greatly influenced American law. Chancellor Kent's opinion was highly valued.

In 1843, Chancellor Kent gave Vincennes University his opinion. After a lengthy legal analysis, he agreed with Samuel on most points: ". . . I am of the opinion that the legislature of Indiana is bound by the most imperious obligations of justice and honor to indemnify the University for the unconstitutional arrest and detention of their property." However, Kent and Samuel disagreed on the ejection of property owners. Kent's opinion was that any efforts to eject the owners with title from the state would fail because the University had not pursued it sooner. According to Kent, this action had "slept the sleep of death."

Kent's opinion did not change the facts. The state of Indiana was liable, but it could not be sued. The owners of the land could not be removed. Kent's opinion did, however, persuade the Board of Trustees to proceed. It hired Samuel and Abner Ellis to pursue litigation, but it didn't want to pay. The original contract gave Samuel \$250 and up to \$650 if successful. Ellis was to get \$100 and up to \$300. In a later lawsuit, the University alleged the agreed fee was \$900.

Samuel and Ellis knew the risks of trying to eject people from property they purchased from the state. The suits had to be filed in Gibson County. Judge Embry of Gibson County was one of the property owners in the disputed area. In fact, the citizens of Princeton, Indiana all owned land from the state in the disputed area. Samuel and Ellis knew the resistance would be fierce and their own lives would be at risk, yet in 1845, they filed over 60 lawsuits seeking to eject the owners. The only way to rationalize the filing of these lawsuits is that they had a plan to make Indiana pay damages.

If they had a plan, it worked. Filing the lawsuits produced the intended results. Judge Embry denied all efforts to move the cases outside Gibson County. Gibson County newspapers urged mob violence to prevent the lawsuits. Samuel and Ellis were threatened physically. A mob escorted Samuel and Captain Mass out of Gibson County and warned them: "if they ever returned to disturb the landowners that their lives would pay the forfeit." However, the outcry was so great the Indiana Legislature, in 1846, passed legislation indemnifying all of the property owners and allowing Vincennes University to sue the state. Samuel dismissed all the Gibson County lawsuits. He would now have his day in court against Indiana. This was the intended result all the way back to 1838 when Samuel revived the University.

Pursuant to the 1846 legislature, Vincennes University was required to file the lawsuit in the Marion Circuit Court. The legal issues were many but can be summarized as whether Congress, in 1804, granted the disputed lands to Vincennes University or whether the State of Indiana received ownership when it became a state in 1816. Samuel represented the University. The state was represented by Judge O.H. Smith and G.G. Dunn, both very prominent attorneys.

In early 1850, the judge of the Marion Circuit Court found for Vincennes University and awarded damages of \$30,099.96 based on a calculation of the amount received by the state from the sale of the lands. The state appealed to the Indiana Supreme Court.

In late 1850, the Indiana Supreme Court reversed the Marion Circuit Court judgment and found the state not liable. The state argued that the grant from Congress in 1804 was not completed because there was no recipient named in the grant and in 1804, there was no Vincennes University. Vincennes University was referred to as a "ghost." The Indiana Supreme Court found that there can be no conveyance to a "ghost," so the state owned the land.

Undeterred, Samuel petitioned for review by the United States Supreme Court. He did so at his own risk and expense, as the University did not want to proceed any further. Because the original 1804 grant was from Congress, there was a "federal question" giving the United States Supreme Court jurisdiction.

In December of 1852, the United States Supreme Court, in a 6 - 3

decision, ruled in favor of Vincennes University. While the grant from Congress in 1804 did not name a recipient, it was a charitable grant for a specific purpose and valid. The Territorial legislature in 1806 had the right to designate Vincennes University the recipient. Accordingly, the state had no rights to sell the property. The majority decision discussed damages of \$200,000 but remanded to the Indiana Supreme Court for that determination. Samuel took a copy of the United States Supreme Court decision to the clerk of the Indiana Supreme Court and in a loud voice announced: "The ghost lives."

In September of 1853, the Board of Trustees of Vincennes University passed a resolution authorizing Samuel a fee equal to one-fourth the amount of money Samuel recovered plus expenses. In later lawsuits, the University alleged that Samuel, as the Board secretary, falsely recorded the resolution to allow recovery of expenses as well as the fee. It also alleged that Samuel threatened to burn his file on the case if the resolution did not pass.

The State of Indiana was not done yet. It filed a petition for rehearing in the Indiana Supreme Court. Justice Perkins started the opinion by noting such petitions for rehearing rarely provoke a written opinion. However, this case was unique. The state's basic argument was that Vincennes University waived its rights to damages because for many years it provided no instruction and the Board did not meet. Relying on the United States Supreme Court opinion, Indiana's Supreme Court found enough evidence to show Vincennes University's existence was continuing and therefore no waiver. Even if Vincennes University's corporate charter lapsed, it was only suspended and was revived in 1838 by the Indiana Legislature.

Vincennes University had a judgment, but collecting would still take time and effort. In 1854, the University passed a resolution authorizing Samuel to be its agent and undertake all acts necessary to collect. In a later lawsuit, the University alleged Samuel bribed legislators to get bonds issued. Samuel denied bribery but alleged that he spent \$4,500 getting the legislature to pay the debt. One newspaper account states that the legislature continued to resist paying the judgment until some of its leaders and influential members received "quid pro quo" to eliminate opposition. Finally, the Indiana Legislature directed the auditor and treasurer to determine the amount due Vincennes

University and to issue state bonds to pay the amount owed. Instead, the treasurer and auditor ordered the amount to be paid out of the University Fund. This was the fund used to finance Indiana University. While some of the funds came from the sale of disputed lands, most were from other sources. To make matters worse, Indiana University had a disastrous fire in 1854 and was in dire need of the money. Indiana University lobbied hard and by a slim one-vote margin in the Senate persuaded Indiana to issue new bonds for the judgment. The treasurer and auditor negotiated the amount of the bonds with Samuel as agent for the University and issued bonds in the amount of \$66,588. The bonds were delivered to Samuel.

Samuel calculated his compensation based on one-fourth the amount recovered, \$16,646.25, plus reimbursement of expenses, \$10,081.98, for a total amount of \$26,728.33. Samuel kept that amount of bonds and gave the rest to Vincennes University.

This did not sit well with the Board of Trustees, which hired Usher F. Linder, D. McDonald and D.W. Voorhees to sue Samuel for "wrongfully, unlawfully, and in violation of his duty as an attorney, converting and disposing of, to his own use, bonds of the state of Indiana to the amount of \$25,000 and coupons thereto attached. . ." Samuel hired his own all-star lineup of John Palmer Usher, J.E. McDonald and A.L. Roache to defend.

By agreement of the parties, the case was venued to Sullivan County. In March of 1859, the Sullivan County jury decided that Samuel owed Vincennes University \$10,335.75, or roughly the amount Samuel claimed he was entitled to receive as reimbursement of expenses. Samuel appealed to the Indiana Supreme Court, mostly on technical pleading issues. In order to appeal, Samuel had to post a \$15,000 bond. The sureties on the bond were Cyrus M. Allen, John R. Mantle, Adam Gimbel and Isaac Joseph, four of the richest men in Vincennes. Allen and Mantle were also on the Board of Trustees of the University, a fact denounced by the *Western Sun*. In an 1859 opinion, the Court reversed. The Court noted that the University believed Samuel misused money to secure the bonds, but nevertheless the University kept the bonds. In the opinion of the Court, this was inconsistent, so a new trial was necessary.

The second Sullivan County jury returned its verdict on September

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10, 1859. Once again, Samuel was ordered to repay a significant sum to Vincennes University. The jury found that there was no agreement for compensation. It set the value of Samuel's work at \$6,400 and did not allow Samuel any reimbursement for expenditures related to the legislature.

Shortly after this jury verdict, the Board of Trustees voted unanimously to expel Samuel from the Board of Trustees.

Samuel again appealed to the Indiana Supreme Court on technical issues. This time the case was reversed and remanded because the trial court did not let Samuel open and close the case.

Vincennes University apparently had enough of Samuel. The accounts differ on the settlement. The family history says Samuel gave most of the money back. Most other accounts say Samuel gave back only about \$1,000. In today's dollars, Samuel was paid about \$750,000.

Vincennes University used the money from the state to buy land, build facilities and expand its educational offerings. Without the money, it would not have survived. Almost 20 years after the result,

even the *Western Sun* could not deny the extraordinary outcome of Samuel's work:

"we think it but due to his memory to say, that, for his profound learning in the law, his fertility of resources, his unflinching tenacity of purpose and indomitable energy, the University would long since have wholly disappointed the hopes of its authors and have existed to-day only among the traditions of the people."

Unfortunately, its funding problems continued for later firm partners to work on in the future.

Samuel's litigation for Vincennes University was a case of sheer will and extraordinary talent. No one else thought it could be done. No one else would take the risk except Samuel. He collected over \$40,000 for the University it would not otherwise have received. Yet, the case for which he should be most respected tarnished his reputation because it became a dispute over fees.

Samuel to George

Samuel partnered with General Washington Johnston, the first lawyer in Vincennes, from 1824 to 1830. While they seem to have shared political and maybe anti-slavery sympathies, the partnership did not end well. As noted, Johnston went out of his way to stop Samuel from being a U.S. Senator, in 1831, stating no one would confide in Samuel the Jew.

In 1838, Samuel partnered with George R. Gibson. Together, they worked on the Vincennes University litigation. Gibson left in 1842 to become Probate Judge of Knox County. In 1846, after his term as judge, Gibson moved to Crawford County, Illinois, where he did not practice law.



[Fig. 24] Nathaniel Usher (in reception area)

Samuel trained and later partnered with 25-year old Nathaniel Usher from 1852 to 1854. [Fig. 24] Nathaniel Usher is better known for his son, Nathaniel Reilly Usher, who was an Admiral before World War I, commanding the Atlantic Fleet. The reason for the partnership dissolving is unknown, though his brother, John Palmer Usher, was Samuel's lawyer during the University fee cases in 1859 and 1860. After the dissolution of the partnership, Nathaniel

Usher continued his practice of law in Vincennes. His brother, John Palmer Usher, was Secretary of the Interior in Lincoln's cabinet from 1863 to 1865. Nathaniel benefited from the relationship with his brother, receiving an appointment in 1864 to the Supreme Court of the New Mexico Territory. In 1865, Nathaniel was appointed U.S. Attorney for the Northern District of Florida during reconstruction. Finally, in 1866, he was appointed as U.S. Attorney for the Northern District of Indiana. He died in 1878.

In 1854, Samuel partnered with a 25-year old James C. Denny, who studied law in Samuel's office. [Fig. 25] James C. Denny was a native of Knox county, being born on a farm near Bruceville, August 8, 1820. His education was obtained in the common schools at and near his home, which at the time he was a boy were far inferior to what they now are. Still, being a close student, and desirous of acquiring knowledge he found a way to surmount all difficulties. At an early age he began to study law under Samuel Judah of Vincennes, then the most prominent attorney in the Wabash Valley. He afterwards became the partner of Mr Judah, and together they conducted a



[Fig. 25] James C. Denny (in reception area)

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very prosperous law business. Denny was a self-made man with great energy and “popular with the masses.” It was said that he never gave up. In 1864, for two months, Denny was circuit court judge appointed by Governor Morton to fill the unexpired term of Judge Buke. Thereafter, he was Judge Denny. Morton also appointed Judge Denny to the Common Pleas bench. When Samuel died in 1869, Denny partnered with George Reily until Judge Denny was elected Attorney General of Indiana in 1872 as a Republican. As a candidate in 1872, the Indiana Journal gave this description of Judge Denny:

“Judge James C. Denny was born in Knox county, in 1829. He was raised a farmer’s boy, completing a common school education by a course in the Vincennes University. In 1854 he entered the profession of the law, having previously studied in the office of the late Hon. Samuel Judah. Mr Denny was a Presidential elector in 1864; Circuit Judge at the same period, and afterwards was on the Common Pleas bench. Since the expiration of his term of service as Judge he has

been engaged in the practice of his profession. Judge Denny is an able lawyer, gentleman of unimpeachable integrity, and a speaker of more than ordinary ability.

In 1874, he lost reelection. In 1876, Denny was hired by the Republican Party to look after its interests in a Louisiana election. He returned to Indianapolis where he argued before the Supreme Court. He died in 1887 at age 55. Always active in Republican politics, the *Western Sun* referred to him as “boss” Denny.

Ewing Emison purchased from Samuel’s family a beautiful bookcase used by Samuel with some of Samuel’s law books. The bookcase stretches from floor to ceiling and sits on two drawers. Inside the drawers were small bottles of whiskey from the early 1900’s. Rabb called them election whiskey because they were handed out only after the person had voted. Rabb’s family has the bookshelf, but the firm retains some of the books with Samuel’s notes.

George G. Reily and the Gallant Fourteenth

George G. Reily was born March 30, 1838 near Mt. Pleasant in Martin County, Indiana. [Fig. 26] He was a tall man with good-looking features. A later photo shows George towering over the five-foot-six inch Benjamin Harrison, suggesting George was at least six feet, two inches tall. Mt. Pleasant, at the time of George's birth, was the county seat of Martin County. It replaced Hindostan Falls, which was devastated by the 1820 fever that ravaged Vincennes. Mt. Pleasant was deemed a healthier location with a healthier name. Today, neither Mt. Pleasant nor Hindostan Falls exists, because the railroad decided to go through Loogootee.

George was a graduate of State University at Bloomington (Indiana University). He taught school for two to three years before attending Cincinnati Law School in 1861. When Ft. Sumter was bombarded by Confederate forces on April 15, 1861, President Lincoln issued the call for 75,000 troops. Nathan Kimball, a Martin County physician and veteran of the Mexican War, gave a stirring speech rallying Martin County to the President's call and seeking to raise a company of men from Martin County. At age 23, George answered the call along with Martin County friends, William Houghton, and George's neighbor, Charlie Gibson.

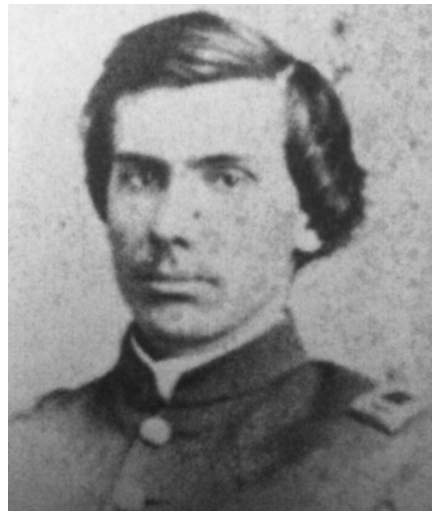
All across southern Indiana similar companies of troops were forming. Vincennes, still considered the big city, raised two companies

of men, self-named the "Invincibles" and "Old Post Guard." One Vincennes volunteer was Augustus Van Dyke, who was training to be a lawyer in the office of James C. Denny. The ambitious Van Dyke viewed the army as a way of advancing his status.

A Civil War company typically consisted of 100 men commanded by a captain. In volunteer companies, officers were often elected by the company. The company from Martin County, the Martin Guard, elected Kimball its captain. Van Dyke was disappointed to settle for first sergeant in the Invincibles. George's initial rank was private but at Captain Kimball's request, he agreed to be quartermaster sergeant.

Ten or more companies made a regiment. Companies from Vanderburgh County north to Vigo County and east to Monroe County banded together to form what became known as the Fourteenth Indiana Volunteer Regiment. Volunteer regiments were funded by the state and were controlled by the governor. In Indiana, Governor Oliver Morton took an active role in the creation of these regiments. At first, there were so many recruits, Indiana filled its quota with three-month and six-month conscripts. Eventually, Indiana

would send more soldiers to combat per capita than any other state. Morton saw the need for more troops with longer conscription periods. He offered the Fourteenth a three-year conscription period. After a vote of the volunteers, the Fourteenth became the first volunteer



[Fig. 26] George G. Reily circa 1861 in uniform

three-year regiment from Indiana. Dissenting voters were allowed to go home. The Martin Guard became Company C. The Invincibles and Old Post Guard became Company A and Company G. Kimball was given command of the Regiment as colonel.

The initial regiment roster shows George as one of two quartermaster sergeant for the regiment. When quartermaster Captain Bunton was promoted, Kimball asked George to be regimental quartermaster. Typically, the regimental quartermaster is given the rank of captain. Thereafter, George would be known as Captain Reily. While the quartermaster was not a front line command, it was a position often given to someone young, with energy and intelligence. Ulysses Grant, Tecumseh Sherman and General Hancock started their military careers as a quartermaster. The quartermaster was responsible for all wagons, tents, mess gear, desks, library, ordinance, tools and food. The quartermaster oversaw camp set-up, picket lines and transportation arrivals. He provided wood for fuel, grazing for animals and straw for bedding. If there was no fuel, food or bedding, it was his job to organize foraging parties to live off the land. Many times the Fourteenth was required to “appropriate” supplies. In combat, the quartermaster was usually behind the lines guarding the wagons and supplies. At times, the quartermaster would fill in for a fallen company commander, but combat was rare. Under Reily’s command, there would be a quartermaster sergeant for each company and teamsters for the wagons.

The Fourteenth consisted mainly of Indiana farmers. Some were pioneers but most were sons of pioneers. They were used to hardship and did not seem to despair army life and its depredations. For the most part, they were Protestant with a basic grammar school education. They grew up on the stories of American heroes like George Washington and George Rogers Clark and were eager for their own adventures. They were tough men.

Most were “Democrats” before the war and “Republican” after the war. Motivation came from saving the Union. When Lincoln freed the slaves, many were disillusioned and questioned whether the end of slavery was worth the fight.

They were, however, outraged when they read of the activities back

home of Southern sympathizers, then called Copperheads. One such group of Southern sympathizers was the Knights of the Golden Circle. A secret society, it actively undermined the war effort. In 1862, Captain Eli McCarty was recruiting soldiers in the Martin County area when he was killed, allegedly by members of the Knights of Golden Circle. His burial site in Daviess County had a tombstone that read: “Killed by Eight Peace Democrats.” The men of the Fourteenth wrote home urging vigilante justice against these Copperheads.

The Fourteenth was sent east and became part of the Army of the Potomac. Even before its first battle, a Terre Haute newspaper published a poem entitled “Kimball and his Men” which begins: “All hail! The gallant Fourteenth brave.” The Gallant Fourteenth participated in many major battles: Kernstown (First Battle), Antietam, Fredericksburg, Chancellorsville, Gettysburg, Wilderness, Spotsylvania, Cold Harbor and Petersburg.

It was at Antietam that the Fourteenth and other regiments in its brigade received the title the “Gibraltar Brigade.” At the sunken road, renamed Bloody Lane, the Fourteenth and others were the only union troops to stand their ground during over four hours of intense battle. The 320 men of the Fourteenth participating in the battle suffered 210 casualties. Twice it was ordered to retreat but it did not move. Finally the commanding officer gave up and shouted: “Shoot, God damn you then.” The battle ended with the Fourteenth charging up the hill to scatter the rebels.

After the battle of Chancellorsville, Houghton, now the youngest major in the Army of the Potomac, came to George for assistance. Houghton promised Charlie Gibson’s father that if Charlie was killed, Houghton would bring back the body. Charlie Gibson died in the first day of the battle and was buried where he fell over three days earlier. Houghton asked George to help him retrieve the body of George’s neighbor. George secured an ambulance and together they travelled more than eight miles over an awful road to exhume the badly decomposed body. The body was embalmed, as best it could be embalmed, and returned to the grieving father by train. Houghton later wrote that he lost a brother when Charlie Gibson died.

Of the regiments’ initial 1,134 men, very few survived unscathed;

George G. Reily and the Gallant Fourteenth

222 died, and many more were wounded. On June 16, 1864, the three-year enlistment ended. Many, including George, went home, but some veterans reenlisted in the 20th Indiana Volunteer Regiment to finish the war. George remained active for the rest of his life in Gallant Fourteenth reunions and remembrances.

When George ran for Congress in 1884, the *Western Sun* launched a series of attacks at George and his military career. Referring to George as “Quartermaster Reily” the *Sun* stated George smelled more beer than gunpowder and that veterans had the “utmost contempt for quartermasters, sutlers and skulkers generally.” With the help of his veteran friends and the *Vincennes Commercial*, George responded. General Nathan Kimball, then living in Utah, published a lengthy tribute to George and his war service. George’s old friend, Major William Houghton, also published a lengthy response noting George helped save General Kimball’s life when the General was wounded. But the best summary came from Col. Cavins:

“I know Captain Reily intimately and well during the whole term of service, and no more gallant or meritorious officer was in that regiment. The Fourteenth Indiana Regiment fought in more than fifty battles and skirmishes, and probably smelt as much gunpowder as any regiment in the service. I believe it sustained a fair reputation for courage and gallantry. It was publicly complimented by such Generals as McClellan, Hancock, French, Shields, Kimball, Carroll and others, and no man in it merited the compliment more than Captain Reily.

During the Great Mountain campaign Capt. Reily was in more dangerous places than any part of the command except scouts. The soldiers of the 14th regiment will remember that Capt. Reily had charge of the ammunition train that followed the charge of French’s division at Antietam, and that he smelt as much powder there as any General or staff officer, and that he was more than a mile in advance of where many of our most gallant soldiers fell.

At Chancellorville, they will remember that he brought up his train through the surging, panic stricken and fleeing Eleventh Corps and amid the shrieking bursting shells of the enemy. The reason for bringing up the train on that occasion was that Gen. Hancock believed that bringing up the trains would contribute towards allaying the panic.

As Gettysburg, Wilderness, Spotsylvania and the battles following, and up to and including Cold Harbor, Capt. Reily had command of the Division’s ammunition train, and was under fire at every one of these battles.

I recall a few other instances where every soldier of the 14th regiment, who was with his regiment will remember. At a place near Auburn, Virginia, in October 1863, at the break of day, the enemy fired on the train. Promptly the 14th and other regiments were placed between it and the enemy. For several hours that morning and several hours that afternoon at and near Bristol station, the train was under fire, and Capt. Reily was in as much danger as any officer; in fact more danger than those on foot. The day after the battle at Bristol station, (fought by the Second Corps under Gen. Warren,) the 14th regiment was on the Washington side of Bull Run, while the rebels were on the south side. Every officer and soldier was without anything to eat, and some had fasted so long they were sick. Capt. Reily’s train was the first to come, and as I came over the hills the rebels directed several pieces of artillery against his train, and for a time the shells fell thick and fast on his train. This was in plain view of the regiment. Capt. Reily directed his train under cover of some timber, where it remained, still under fire but not in view, and the train remained until rations were issued.

I have in mind several other instances where Capt. Reily was under artillery fire. It seems to me that the command of his train in the Virginia campaigns, and especially ammunition trains in time of battle required as high a degree of courage as any other position in the army.



George and Vincennes

It is not clear why George chose Vincennes. Augustus Van Dyke, who before the war was studying with Denny to be a lawyer, was asked by Denny to return to Vincennes. Van Dyke declined, stating his dislike for the place. Perhaps, George and Van Dyke shared plans, and George knew there was an opportunity.



[Fig. 27] George G. Reily (in reception area)

After the Civil War, George studied law with Judge DeBruler of Rockport and set up his law practice in Petersburg, Pike County, Indiana. On March 15, 1865, he married Josephine Condict, whose family lived in Jasper, Indiana. They had three children, but only Helen, born in 1872, lived beyond infancy. [Fig. 27]

George began his partnership with James Denny in 1869. From the first, he controlled a full share of the practice, which was good because Denny would soon leave in 1872 when elected Attorney General for Indiana.

George's Vincennes was post-Civil War. The war provided profits for the pork producers and mills that fed the army. The railroad crossing at Vincennes consisted of major north-south and east-west

carriers. The Ohio and Mississippi Railroad, founded by Abner Ellis of Vincennes located its repair shop at the intersection and employed 155 men. It later moved to Washington when Vincennes refused to pay \$100,000 to keep the shop.

While trade during Samuel's era was south by river to New Orleans, trade now headed to Chicago and St. Louis. The Main Street Bridge replaced the ferry to Illinois. At first, it was a large covered wooden bridge, though a fire burned two spans that later became steel.

In 1874, the Knox County Courthouse supported by Judge Denny was completed. The magnificent limestone structure has four separate towers of differing architectural styles. It would be the center of the firm's legal activities from then to the present. [Fig. 28]



[Fig. 28] Knox County Courthouse circa 2019



George the Lawyer

It was said George's strength lay in "grasping the true state of the case and in his appreciating and measuring the weight and effect of evidence, and in the cross-examination of witnesses." He was a fluent, graceful and interesting speaker and considered one of the best trial lawyers of his time. Another account states that his "presence was commanding, his voice musical, his speech fluent and his gestures graceful." No legal problem was too intricate to solve. George was the leading lawyer in many of the largest lawsuits in Southern Indiana and Illinois. His practice before those Indiana Supreme Court and the United States Supreme Court were also notable.

One of George's early cases involved his old partner, Judge Denny. Denny served a two- year term as Attorney General from 1872 to 1874. In 1873, Indiana enacted a law that tripled the salary for the office and provided commissions for recovery of state monies. Under the statute, Denny, as Attorney General, could hire assistants to help collect and pay them ten percent (10%) of the amount collected. Denny would get twenty percent (20%) from the first \$1,000, ten percent (10%) from the next \$1,000 and five percent (5%) of all other recoveries. Denny began collecting overdue payments from county politicians, who in the past had kept the money. He paid his assistants \$20,000 in commissions. Also Denny collected \$165,136.97 from the federal government for Civil War expenses and kept \$8,456.84 as his commission.

The Attorney General that followed Denny sued to get the money back. Denny hired George to defend. The lawsuit charged that the 1873 statute did not allow for commissions for the recovery Denny

made and that Denny's commission should not be calculated on \$165,136.97 collected, but rather the net figure of \$122,675.60 after offsets for the federal government.

George was successful at the trial court level. He was also successful at the Indiana Supreme Court level, except that the Court agreed Denny's commission should be calculated on the net figure.

Reily was close to Thomas Adams, the owner and publisher of the *Vincennes Commercial*. In 1894, the newswire of the day was the telegraph. The *Vincennes Commercial* was sued for \$50,000 by Tyndale Palmer who owned a hotel in Rio Janeiro, South America. The *Commercial* printed a story it received over the telegraph that Tyndale claimed was libelous. Similar lawsuits were filed against other newspapers running the story including the *New York Sun*, *Philadelphia Times*, *Indianapolis News* and many more. George represented the *Commercial* and Adams. George got the case dismissed on the legal grounds there was no malice in the publication and the technical grounds of failure of an out-of-state plaintiff to post a bond.

In 1897, just two years before George's death, George represented J.W. Gaddis who was sued by Jim McCarthy for vote buying. McCarthy, represented by "Windy" Bill Cullop, alleged Gaddis promised to pay \$1.50 for McCarthy's vote. George's defense was that McCarthy was "a lazy, worthless loafer" who was blackmailing Gaddis for \$300. George's friend, Thomas Adams, and the *Commercial* gleefully reported the hung jury result as total victory.



George the Politician

His politics were solidly Republican. He was a delegate to the Republican National Convention in 1880 and 1884. He ran for Congress in 1884 and lost, though his vote tally was called “decidedly flattering.” In 1888, he lost again in an effort to become a state representative. George was referred to as a “high-minded politician, a polite, dignified and courteous antagonist.”

As referred to earlier, throughout George’s life in Vincennes, Royal Purcell of the *Vincennes Sun* and Thomas Adams of the *Vincennes Commercial* did battle on behalf their respective political parties. The *Sun* was Democrat and the *Commercial* was Republican. While The *Sun* would always initially refer to George as “Captain Reily,” it had many other names depending on the mood of the day: “Boss” Reily; “Quartermaster” Reily; “Oracle” Reily; “Acrobat” Reily; “Figure Juggler” Reily; and “Resolution” Reily. The *Sun* often accused the *Commercial* of allowing George to write its editorials. During George’s run for Congress, the conflict escalated to the point, the *Commercial* had enough:

“Calumny.”

The Sun’s file calumnies upon Capt. Reily are befitting that dirty sheet, but a burning disgrace to the community!

Capt. Reily has always been held in the highest esteem by our citizens—he is one of our very best and most influential business men—is highly regarded at home and abroad.

The infamous attacks, therefore, heaped upon him day after day by Mr Royal E. Purcell; who yearns in anguish for his own lost character, are without parallel.

The COMMERCIAL thus far in this campaign has refrained from abusing the candidates as much as possible. The Sun, on the other hand, has made some of the most indecent and uncalled-for attacks upon Capt. Reily which ever appeared in the public prints.

The *Commercial* threatened retaliation:

There are truths which the COMMERCIAL could publish which would shake this community from center, to circumference. Evidence has been accumulating so fast that we are amazed at its density and power! We are astounded at its horrible revelations. There are candidates before the people whose private records are such that a complete revelation in these public prints would create a social earthquake as has never been known in the State of Indiana.

There are persons engaged in this work of calumniating, Mr Reily whose moral characters are unclean. They are interested in certain immorality and filth which would swallow them up in obloquy and disgrace.

Along with the published letters from George’s war comrades, this seemed to calm the newspaper wars.

Today, it may be difficult to understand the politics during George’s life. “Copperheads” or Southern Sympathizers were usually Democrats. Race played a major role with Republicans generally supportive of political rights for freed slaves.

This issue of race played a large role in the attitude of the *Sun* newspaper towards George and later James Wade Emison. A *Sun* article from September 7, 1890 discussed a speech sponsored by

George and given by a prominent black politician from Ohio. The article's tone shows clearly the *Sun's* antagonism toward freed slaves or the black race. George's sponsorship speaks well of his attitude toward race at a time when Copperhead attitudes were strong in the city.

"Radical Fricassee"

"The black 'amalgamizer,' 'Hon. Geo. W. Williams, the eloquent colored orator of Cincinnati,' spoke at the Courthouse, last night. He was toted around by Resolution Reily, with Shelt bringing up the rear. It is impossible for us to describe the intense filial devotion these extraordinary worthies feel for the black man, and especially this man Williams, because, we presume, he introduced a bill into the Legislature, entitled, 'An Act to break down all barriers to the intermarriage of the White and Black race of Ohio.' It is a wonder Shelt and Reily don't hug some great big buck negro, anyhow, and Bob Evans a little one – they are so completely infatuated with the race and love them with the burning ardor of a mad mad love. Yet they wouldn't loan a man a quarter if he was hungry. And since the Indianapolis Journal, the great leading organ of the Republicans in this State, to which they look with so much consolation and satisfaction, has proclaimed, 'Nobody's daughters but those of Democrats demand white husbands or none,' we can not see how they resist the temptation."

"What a brilliant event the amalgamation of Shelt with Davy Square would be. And yet, if Shelt had his choice, Davy would be his preference."

"But, to return to Williams and his stereotyped harangue. Williams can point with pride to the fact that he had nearly as large a crowd as Sir A.G. Porter, in the Court-room, and considerable more

enthusiasm. He is possessed of more intelligence than the average colored orator, though his speech was not much of a standard from which to Judge. The substance of his address can be told in a few words. He has rather a good memory, but does not at all times display an accurate knowledge of historical events. The first portion of his address was confined to the financial question, broadly, as it were. That is, he endeavored to take in the whole question at one scope, feeling incapable, no doubt, of tackling it otherwise, telling the people to thank God for guiding and directing the Republican party in bringing about such a prosperous monetary system. It was like all Republican speeches on that point, and of course the Democrats were given credit for nothing. He alluded to General Hancock as a mere idiot on monetary affairs, and the Democrats as drunkards, 'compelled always to consult their Stoughton-bottle,' & c. Most of the time he devoted to the war, 'in which he had so bravely fought.' He would fight again against the principles which Wade Hampton is trying to resurrect. Belude! 'Garfield was the bravest General; Hancock wasn't!' Williams cracked a few stale negro jokes which seemed to suit the audience, mostly composed of his own color, and Capt. Reily, Johnson, Evans, Davy Squire and Chambers, who occupied prominent places upon the Judge's bench."

The *Sun* did score points against George. Several years before his death, George spoke against the gold standard advocated by Democrats and William Jennings Bryan. George indicated that his own net worth was declining as a result. The *Sun* printed the value of George's property assessed for taxes which ranged from \$11,000 to \$8,000. It then noted that George posted a bond for the Republican County Treasurer which showed George's worth more than \$25,000. That is how George became "Acrobat" Reily.

George the Citizen

George was a member of the Vincennes University Board of Trustees, a director of Citizen's Gas Company, a trustee of the Methodist Church, a director of the public library and a Knights Templar. From the fruits of his labor, George built a large, two-story brick building on the corner of 8th and Buntin designed by John Stem. The house is now a lovingly restored bed and breakfast. [Fig. 29]

On December 21, 1894, the house was the location of a special celebration for George's daughter, Helen who later married Joseph Bayard, Jr.

MISS HELEN REILY

GIVES A DANCE LAST EVENING AT HER BEAUTIFUL HOME ON SCATIN STREET – PROF. R. R. SPAIN'S ORCHESTRA PROVIDES THE MUSIC

One of the prettiest social events of the season was the dance given by Miss Helen Reily, the accomplished and beautiful daughter of Capt. And Mrs Gen. G. Reily last evening at her home on Buntin Street. The parlors were a bower of beauty, being artistically and elaborately decorated with flowers and large banquet lamps. As the guests entered the house, colored boys of tender age acted as ushers. Prof. R.R. Spain's orchestra in full dress, suits furnished music which was sweet and full of melody. Delicious refreshments consisting of the choicest viands were served and it was the universal opinion of all that it was the most palatable spread of the season. Miss Helen looked beautifully in an elegant evening costume.

George died in his home February 10, 1899 at the age of 61 from heart failure. He was dressing for work when he sighed and died in a rocking chair. George's obituary in the *Commercial* described his civic activities:

"He was one of the most active members of the board of Trustees of the Vincennes University. He dearly loved that educational institution and zealously labored to promote its welfare. He was a trustee of the Methodist Episcopal church. Its legal advisor, and a substantial contributor to the building of the new edifice. His charities were numerous, not even his closest friends knew the amount of good this noble man accomplished. He never turned away the weak or distressed. He was always a comfort and aid and an inspiration to struggling youth, and many a young man has him to bless for his success. In referring to his charities dispensed with an unostentatious hand, we can remember one instance probably known only to the writer, where he gave freely and unselfishly the sum of three hundred dollars to a young man who was stricken with consumption, and who was compelled to seek a warmer climate to prolong his life. This incident is one of many that shows his kindness of heart, his nobility of character, his lovable nature."

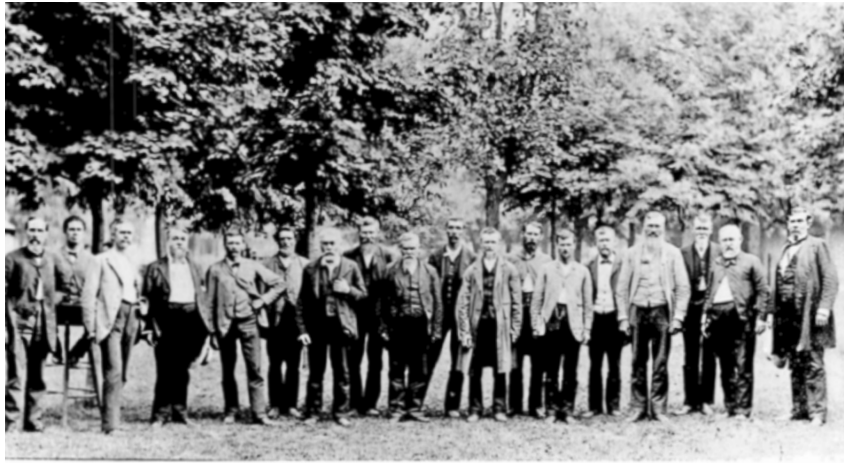


[Fig. 29] Reily House circa 2019



George and the “Celebrated” Wise Will Contest

William J. Wise died January 4, 1884, an eccentric 79-year old bachelor. He never married and had no children. William’s death sparked a will contest over his \$500,000 plus estate that would involve George and the future 23rd president of the United States, Benjamin Harrison. At the time, it was considered by the local newspapers as the trial of the century. [Fig. 30]



[Fig. 30] Wise Will contest showing judge, jury and Benjamin Harrison and George Reily at far right (in hallway)

Eleven children were born to Henry Wise: eight sons and three daughters. Eventually all eight sons would move to Vincennes and prospered. The first to Vincennes was John Wise in 1816. Henry and Alfred arrived in 1824. William, James, George, Augustus and Samuel

all arrived in 1830. John, Samuel and William operated as J.S. & W.J. Wise. They ran many businesses, including stagecoaches, mercantile, pork, grain, mail and farming. William kept the books and was known as very tight with the money. Later in life he would price his own coffin or the material to make one. William, from the beginning, lived with his brother Samuel and Samuel’s family at the corner of 4th and Buntin in a house that is still used as a private residence. Samuel had six children, three boys and three girls. William considered the children his own, especially after Samuel died in 1864.

William was particularly fond of his namesake, William J. Wise, Jr., Samuel’s youngest son. William hoped Will Jr. would become a lawyer, but Will Jr. loved to drink and party. The newspapers loved Will Jr.

On July 10, 1875, the *Western Sun* wrote:

“Last Saturday morning about ten o’clock, Will Wise got into an altercation with a man by name of Bill Dale from Illinois. Will got the best of the fellow before they were separated and went in different directions. They met again that night about eight o’clock and Dale pulled a revolver and fired three times at Wise, one ball taking effect in the right arm just above the elbow, making a painful but not dangerous wound. Wise fired twice at Dale but failed to hit him. Dale was arrested and fined \$25.00 and costs.”

The *Western Sun* also published the police report:

“Wm. Burns got burnt when he tackled Bill Wise, and had to pay a little ten dollar document. He wandered off, saying Dad-burn it. William Dale was not proud, but his engagements were such he

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couldn't stay in jail until he worked out \$22, for shooting Bill Wise, so he broke the bounds and fled to "Lilly, sweet Lilly." [Lilly was Illinois]

A little over a year later, Will was at it again:

"Matt Hogan and Will Wise had a set-to in the Office Saloon Tuesday morning. They fought like bull dogs and both got beautifully ornamented eyes. It is expected the parties will have it over again when Matt gets well."

In 1877, the story was the same:

"Our usually quiet neighborhood was thrown into a considerable commotion yesterday by the cry of "fight" "fight." The trouble was between Billy Wise Jr. and a fireman on the O & M Railroad named Armstrong. The latter had been drinking and got into a quarrel with the former and struck him, when Wise opened up on "he of the strong arm", got him down and pounded him without any great degree of mercy. There came near being another fight among some of the bystanders on the question of interference or non-interference. This is the first skirmish in "Rush-a-Turkey" war. Deputy Marshall Metzger rushed Armstrong off like a turkey to the station house, where he will pine away till the rising of to-morrow's sun, by which time, his intentions will all be mild and peaceful."

The best came in 1879:

"Tuesday night, Wm. J. Wise, Jr., chanced to meet at the house of Jennie Stanley one Wm. Hamer, who took offense at Wise's presence, or at some supposed affront of Wise, and inaugurated a series of movement well calculated, when indulged in the presence of Mr. Wise, to cause a fight, following him about over the room with a goodly number of cock-a-doodle gestures and tantalizing reference to superiority of muscle and lordly rights of eminent domain in all the disputed property hanging around that shebang. Wise acted with his usual prudence, and when Hamer overstepped the line marking the boundary between rudeness and assault, the handy little pocket knife of Wise went playing in among the bones and cartilages of Hamer's left shoulder in such a way as to give him an eloquent foretaste of how cold steel would feel in his guts in the event that his conduct was not

speedily modified a little after the law of partnership. The woman bore herself throughout the fracas with the characteristic fickleness of the sex."

William, Sr. did not seem to be upset by this behavior. What did upset him was Will Jr.'s two marriages. The first, at age 19, was to a 16-year old girl that William thought was a gold digger. The second marriage was to a woman of ill repute. Will Jr. died in 1881 at age 30 after a life in the fast lane.

In 1859, William apparently fell in love. The woman's identity is unknown. To court her, William built a large, beautiful two-story brick home at 404 Fourth Street. The house still stands today as a private residence. [Fig. 31] William was unsuccessful in love so, in 1869, Samuel's daughter, Lizzie Miles, and her husband moved in as caretakers.



[Fig. 31] William Wise house circa 2019

All of these situations, plus the death of Samuel's other two sons, impacted William's estate plan. His first will in 1865 benefited Samuel's children. After Will Jr.'s first marriage, he wrote a second will in 1870. In 1876, after Samuel Jr.'s death and Will Jr.'s second marriage, William executed his third will. The final will in 1880 came after the death of Samuel's other son, Henry Jr.

George and the “Celebrated” Wise Will Contest

The final will gave William’s lovely home to Lizzie; a fee simple if she outlived her husband and a life estate with remainder to her descendants if she died before her husband. Lizzie also got the furniture, horse, buggy, harness and cow. The remainder was placed in trust for the benefit of Samuel’s three daughters, with remainder to their children.

This will did not sit well with Henry Wise, who on the death of William was the only surviving brother at age 82. According to later testimony, William promised Henry the businesses. Henry, at William’s death, was a farmer and not part of the businesses. Henry hired George and others to challenge the will based on William’s competency. A final decision would take six years.

The newspapers covered the trial as if it were a battle from the Civil War. The first trial began December 5, 1884 in the Knox Circuit Court with a twelve-man jury. Two weeks of testimony from over 150 witnesses was heard.

George relied heavily on two doctors from Indianapolis to testify as expert witnesses on William’s competency. One of the doctors was trained at Bellevue in New York City. The other ran a hospital for the insane. As was the law at the time, an opinion could be based only on a question that assumed facts testified by other witnesses. This hypothetical question would recite the relevant testimony and then ask for the experts’ opinion based on those facts.

In this case, there were so many facts it took George over 45 minutes to read the hypothetical question. The question referred to William’s grumpiness and other eccentricities. The experts gave the opinion that William was not competent.

The estate defended the will with many witnesses who knew William and who thought he was just fine. They emphasized William’s living with Samuel and his family and Lizzie taking care of William.

Closing arguments began Saturday, December 13. George spoke for five hours. Defense counsel then spoke for eight hours. Another plaintiff’s lawyer then spoke for ten hours. Another defense counsel spoke twelve hours. Finally, the plaintiffs closed with a three-day argument. In all, the jury heard over 50 hours of argument.

The case drew lawyers from all over the state who simply came to watch. Most predicted a hung jury. To their surprise, the jury upheld the validity of the will.

George filed for a new trial based on nine separate claims of error. The most reported claim was that a juror was drunk during the trial and spoke about the case outside of court. On March 3, 1885, the request for new trial was denied. In the meantime, Henry died.

Henry’s death allowed the filing of a new will contest on behalf of other Wise descendants. This contest was based on the undue influence of Mary Wise, Lizzie Miles and others. Though filed in the Knox Circuit Court, the case was venued to Sullivan County. Appearing for the defendants, among other lawyers, was Senator Benjamin Harrison of Indianapolis, soon to be president of the United States.

The second trial began June 1, 1887. One of the many peculiarities of the trial was that R.J. McKenney was administrator of the estate, while his wife was a plaintiff contesting the will’s validity. A witness for the plaintiff was asked if he ever saw William talking to himself. The witness answered “no” until he saw George’s disappointed look and changed his answer to “yes.” When asked “when” William talked to himself, the witness answered that William spoke to himself when he was driving a nail and hit his thumb with a hammer.

After seven weeks of trial, the jury could not reach a result. This time there was a hung jury. Less than a week later, the administrator, R.J. McKenney, got into a street fight with a lawyer for the estate, John M. Boyle. Reported injuries were limited to scratches.

The third trial began April 20, 1888, but the first day of testimony was May 11, 1888. After another month of trial, the jury upheld the validity of the will. George appealed to the Indiana Supreme Court, which upheld the judgment in 1890. The after-effects of the trial continued. Fees for defense lawyers became the next litigation issue. Then, in 1894, Mary Miles, Lizzie’s daughter, was on a pleasure outing on the Wabash River when the boat struck a submerged log and capsized. She was thrown in the river with the other passengers. Mary was the only one to drown.



George to James Wade

George for many years worked from his Wooten desk. This product from Indianapolis was an ingenious take on an ordinary desk. It had many cabinets and cubbyholes to hold legal papers. Rabb used it as his credenza. The desk is currently in my office. The firm still has carbon copies of George's handwritten correspondence from 1872 and a firm ledger book from about the same time.

George practiced from 1868 to 1886 with William C. Johnson. [Fig. 32] Johnson was born in 1843 and admitted in 1865. From 1868 to 1872, the firm name was Denny, Reily and Johnson. From 1872 to 1881, it was Reily and Johnson.



[Fig. 32] William Johnson
(in reception area)

In 1881, William C. Niblack joined the firm, and it became Reily Johnson and Niblack until Johnson left in 1886.

Niblack was the son of William E. Niblack, a famous lawyer and judge. [Fig. 33] William E. was elected representative and senator from Dubois County. He was appointed circuit judge and then elected to Congress for fourteen years. He moved to Knox County and was elected to the state house again. In 1876, he became an Indiana Supreme Court judge for twelve years. He retired to Vincennes to the Niblack Mansion built on the

site of the old courthouse on Fourth Street. It is now an American Legion Post.

William C. Niblack had a pedigreed background. Born in 1854, he graduated from Georgetown University and then attended law lectures at Cincinnati University. He was admitted to the bar in 1875, taking over his father's practice. In 1881, he joined George and Johnson.

In 1882, William C. was judge pro tem (judge for the day) for Judge Vieke of the Knox Circuit Court who was absent. William C. heard the case of Thomas v. Thomas. James Thomas was asking for a divorce from his wife of over 20 years. In 1882, cause was necessary before a marriage was dissolved. According to testimony, the wife, Mary, was "mean as old scratch." Mary threatened to kill James by pouring quicksilver and lead in his ear while he slept; scraping his back skin off with broken glass; and sewing him up in a sheet and "lam" the stuffing out of him. James testified his sleep was suffering. Finally, in January of 1882, James followed Mary and observed her with another man in activities the newspaper account "refused to say." William C. granted the divorce but forbade James to marry for two years.

About one year after his father



[Fig. 33] William C. Niblack
(in reception area)

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retired from the Indiana Supreme Court, William C. was in the Knox Circuit Court on an important railroad case with New York City lawyers. While waiting for his case to be called, William C. was present when the court called for “French Louis” to appear on a warrant. French Louis ran the best whore house in town called “Swanky 23 S 1st” in the area now occupied by the national park service. When French Louis did not appear, the court revoked his bond, which was announced in court as being posted by William E. Niblack. William C. was horrified to hear that his father had posted bond for such a low life. As soon as he could, he confronted his father about his embarrassment.

“Well son,” the old judge is quoted, “I am sorry if you feel that way about it, but this was my office before it was yours, and I never went back on a friend in it yet. I grant French Louis is in a bad business, but he’s a friend of mine, and would do anything he could for me. So it’s up to me to help him out when he needs a friend. If you don’t like my way of feeling the world is wide, you’ll make a success of practice anywhere you go. I’ll expect that of you because you’re a Niblack.”

Another version of the story has the old judge telling his son that French Louis has done more for Vincennes than he ever will.

William C. Niblack left that year for Chicago, where he became vice president for Chicago Title & Trust and later president of Illinois Trust Company. As his father predicted, he was a success. He authored books on insurance and banking and was a receiver for banks. He died in 1920.

In 1888, the same year William C. Niblack left, Reily was joined by James Wade Emison, beginning an over 120-year tradition of Emisons in the firm.

Samuel’s law office was located at the corner of Second and Busseron across the street from the current Marone’s. It began in a “shack of a frame building.” In 1860, the Green Opera House was built on that corner. The law office remained in the corner office building. [Fig. 34]

The block next to the Green Opera House, between First and Second Street and Broadway and Perry, was owned by William Wise and was called “Pork Row” because of the slaughterhouse. It was a low-rent area. In 1879, one tenant called to a passerby below: “Should

I kill myself?” The passerby responded: “No – Go to Bed!” The passerby then heard two shots. The first shot deflected off the tenant’s skull, doing little damage. The second shot to the chest completed the suicide.

In 1885, after William’s death, a feud between prostitutes led to one prostitute trying to “smoke out” the other. That fire burned down “pork row.” The other prostitute moved to the adjacent block where the firm’s office was located. The next day, another fire burned down the Opera House, taking George’s office with it. Newspapers called for better control over the prostitutes.

The Opera House and law office were rebuilt and later renamed McJimsey’s Opera House. It was the site of many famous vaudeville acts because Vincennes, as halfway between Cincinnati and St. Louis, was a good stopping point.



[Fig. 34] Opera House with Emison Law Office on the corner circa 1890

James Wade Emison and Vincennes

James Wade Emison was too good to be true. [Fig. 35] Good looking and smart, he was the great grandson of Thomas Emison, who arrived in Knox County in 1804. He was always called “James Wade.” His grandfather was William Weston C. Emison, who was Thomas’s eldest son. His parents were John W. Emison, Sr. and Sarah Dunning Emison. In 1855, John W. Emison started his own



[Fig. 35] James Wade Emison
(in reception area)

milling company and a small farm. He also owned stores in Bruceville and Wheatland. He invested heavily in the walnut lumber trade. Over time, he accumulated 3,100 acres of arable land.

John W. Emison was proud that he never resorted to litigation, despite having over 100 employees. On one occasion, John did consult with George Reily about a suit on contract. George supposedly told John he could win the case, but he advised that the lawsuit not be brought, presumably because the amount was too small and the effort too great. In the Wise Will contest, John Emison posted the bond George needed to prosecute the case. John was quoted in the paper as saying “George Reily knows the case backwards and forwards and will make a good account.”

James Wade Emison was John and Sarah’s second son, born

February 7, 1859 at the Emison’s Bruceville home. His early education was Bruceville grade school and his father’s businesses. He attended Asbury College, which is now DePauw University in Greencastle, Indiana. He took one year of law courses while in college. He joined the debate society, along with two future senators, and represented the school at an oratorical contest in 1881. He graduated at the head of his class in 1882. In 1885, he was asked to deliver the Master’s Oration at the University and was given a Master’s degree. He remained active all his life with DePauw, serving as Alumni Representative and a member of the Board of Trustees beginning in 1903. He sent his three sons to DePauw as well.

After college, James Wade returned to the family businesses of milling, mercantile and farming. For a time, he travelled through the southwest and New Mexico.

About 1887, James Wade began the study of law in the offices of Reily and Niblack. In 1888, he was admitted as a lawyer. In 1889, with Niblack leaving for Chicago, James Wade became a partner in Reily and Emison.

During James Wade’s life, Vincennes became a modern city. The population almost doubled in size to over 17,000 inhabitants. Most of the houses in town were built during this time, and beginning in 1913 the streets were paved. The automobile took over from horses, and the railroads ended riverboat traffic by 1920. Mineral extraction became a new industry with coal, oil and gas. A foundry on First Street provided many jobs, along with the Vincennes Bridge Company and Blackford Glass Company. The Emison’s Atlas Mills dominated the downtown riverfront.

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Many schools, still standing, were built. Vincennes University, using money from Samuel's case, built its main building at Fifth and Busseron, with a large community hall on the third floor. A new YMCA and hospital also were built. In 1883, a streetcar company represented by the firm connected all the neighborhoods and brought people downtown. Main Street built most the buildings still seen today, replacing the earlier wooden structures.

Early in his career, James Wade was city attorney and county attorney, a rare combination. He was secretary of the Fair Board from 1889 to 1897. He is credited with the revival of the success of the Fair which in 1892 drew over 10,000 visitors a day.

He was a joiner. He joined organizations such as the Pastime Club, Elks, Knights of Honor, Knights and Ladies of Honor and the Presbyterian Church. He was present and participated in the creation of the Knox County Bar Association, Vincennes YMCA and Good



[Fig. 36] YMCA circa 1910



[Fig. 37] Hospital circa 1908

Samaritan Hospital. He served as president of all three organizations and helped build the old YMCA building and hospital. [Fig. 36 and 37] He also spoke when the junior high school was built.

James Wade's illustrious career was almost cut short in 1893 when he visited the World Fair in Chicago. He stayed at the Leland Hotel in a room with a "fine heavy folding bed." He was sitting on the bed and got up to look at his watch. As he rose, the massive top of the bed fell on him knocking him "senseless." He was first believed dead but doctors called by the hotel were able to revive him. His father-in-law, Dr. John Rabb, was also attending the Fair and attended to James Wade's bruises. James Wade wrote a letter to Sada to assure her he was alright and finished his visit to the World's Fair.

James Wade, like his predecessors, participated in all the important cases of his time and was said to be successful "almost all the time." His practice extended far beyond Vincennes.

It was as an orator that James Wade excelled. There are many accounts of James Wade's oratorical skills, praising his logic, his reasoning, his delivery and his passion. Perhaps the best indicator of his speaking skills is that he was chosen unanimously by the Old

James Wade Emison and Vincennes



[Fig. 38] Knox County Civil War Memorial circa 2019

Soldier's and Citizens committee to deliver the dedication speech for the Knox County Civil War memorial on October 8, 1914.

The Knox County Civil War memorial is unique both in subject matter and size. [Fig. 38] Not many memorials were dedicated just to the Civil War, and this was by far the biggest and best county memorial. James Wade's speech was reprinted at length in the local newspaper and touched on the sacrifice by Union veterans, many of whom were still alive and present, and the need for continued sacrifices. His son, Ewing Emison, was 23 years old at the time of the dedication and remembers his father's more succinct summary of why the memorial was built: "This is so the Copperheads remember who won the Civil War."

Shortly before his death, James Wade gave another speech that was widely published called the "Liberty Loan." The speech addressed World War I and the need to buy bonds. It made reference to his son, James Wade Emison, Jr., who had joined the army.

James Wade continued the family interest in farming. At the end of his life he owned over 700 acres "heavily cultivated." In 1902, he and his family moved to the corner of Sixth and Broadway into a large two-story brick home built by his father-in-law, Dr. John Rabb. The home is now a carefully maintained funeral home. [Fig. 39]



[Fig. 39] James Wade Emison house circa 2019



James Wade the Politician

James Wade was also solidly Republican. His father was the first or second Republican registered in Knox County. James Wade attended the 1892 and 1900 Republican National Convention as a delegate. In 1907, he announced he was running for governor. His name was later brought up for lieutenant governor. He spoke at many Republican gatherings and had significant influence in the legislature. In 1912, he was again considered for governor. In 1914, he persuaded Governor Ralston to attend the dedication of the Civil War Memorial. He was also discussed over the years for many other state offices. James Wade's stock response was that he was not interested and would rather remain in Vincennes with his family. Rabb did say that his grandfather thought about running for governor with his brother-in-law, Henry Barr, running the campaign.

But James Wade could not be blamed for wanting to stay home. He married Sada Ross Rabb in 1890. Ewing Rabb Emison, Sr. was born the next year followed by: James Wade Jr. in 1894; and the twins, John Rabb and Susan Rabb, in 1897. One account, at length, describes James Wade's successful career and home life as an idyllic existence.

With George's death in 1899, the *Western Sun* lost one of its main targets. James Wade filled the void. In turn, the *Commercial* rose to his defense. To the *Sun*, James Wade was, depending on the circumstances: "Boss Emison," "Long Distance Farmer" Emison, "His Imperial Majesty" Emison.

On January 26, 1906, a relative of Thomas Adams, owner of the *Commercial*, retired as Postmaster. Adams was flanked by James Wade and James' Wade's brother, John, the new postmaster. The front page of the *Sun* was preoccupied by the Adams-Emison connection and spoke at length of the family control of the Republican party and its 4,000 Knox County members who the *Sun* claimed marched to the Adam-Emison orders.

The *Commercial*, on the other side, developed a stamped likeness of James Wade so that his picture could be included with the numerous favorable articles it published. The firm still has the stamp.



James Wade and the Not as Celebrated Johnson Will Contest

When James Wade joined George in 1887, George was finishing an unsuccessful effort to void a will in the Wise Will Contest. In 1901, James Wade got a chance to use what he learned from George when Thomas Johnson died.

Johnson's father, also Thomas, came to Knox County in 1800 with his wife, Catherine or Catt. An original pioneer, he carved out large landholdings in southeastern Knox County. He was so respected that when the county was organized in 1812, the township was named Johnson after him.

In 1812, Thomas was born to Thomas and Catt. Thomas grew up in the wild confronting Indians and wild animals. At age sixteen, Thomas began to manage his father's farms and acquired his own land and eventually his father's land. Thomas soon became known as the King of Johnson Township because of his real estate and livestock.

Like a king, Thomas was quite the sire. At age 25, he married Caroline and had four children before Caroline died in 1854. Thomas then married Francis, who gave Thomas five more children before her death in 1866. Thomas then married Harriet, Francis' younger sister, and had three more children before her death in 1869. Thomas' last wife was Josephine, a niece to his first wife. Thomas and Josephine had no children, but she had children from a first marriage.

At age 78, Thomas died of stomach cancer at his home. His estate was valued in excess of \$100,000 with over 2,500 acres and hundreds of head of cattle. It took over 30 days to sell the livestock.

Thomas left a will with a local lawyer, Cullop, as trustee. The land was not to be sold, and the income was to be divided among his heirs. There were 36 heirs. The will made no provision for Josephine's children of a previous marriage.

According to one account, Josephine received cash equal to her one-third intestate share before Thomas died. Nevertheless, Josephine became the primary plaintiff seeking to invalidate the will so she would get another one-third inheritance after Thomas' death. She was joined by Thomas' sons, who did not like the idea of the land in trust and would rather take title in fee simple. James Wade represented them all in an effort to set aside the will.

The trial lasted six weeks with over 312 witnesses. On the first day of trial, Josephine switched sides to the defendants and moved to the other side of the courtroom. The cost of the court, jury and witnesses was \$15,000, not including lawyer fees. Similar to the Wise Will Contest, lawyers from all over the area attended. Henry Cauthorn, a Vincennes lawyer and later historian, predicted the jury would be out only 30 minutes and would find for the plaintiffs.

On January 24, 1902, James Wade began the closing arguments. Thomas Adams, James Wade's close friend, covered the trial for the *Vincennes Commercial*. Adams wrote:

"James Wade Emison for one hour and forty-five minutes held the jury and spectators spellbound. Never in the memory of anyone present had there ever been a better chance in the courtroom for a

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“bee to get busy.” Emison certainly showed his thorough knowledge of the art of eloquence and oratory by the manner in which he played upon the passions, sentiments, and the feelings of all. It was a great speech and struck terror among the opposing attorneys.”

As predicted by Cauthorn, within 30 minutes the jury elected a foreman, deliberated and returned a verdict for the plaintiffs, invalidating the will. But the estate was mostly gone with fees and costs. The sons had to use the property inherited to get loans to pay the debts. James Wade learned well from his experience with George.

James Wade and Vincennes University

When Dr. Rabb died in 1898, James Wade was appointed to fill his father-in-law's vacancy on the Board of Trustees of Vincennes University. Using money from Samuel's case, the University consolidated all of its classes in one building on the corner of Fifth and Busseron. However, funding was still a big issue and the University struggled to make ends meet.

The Board of Trustees still bristled at the result of the litigation led by Samuel. The United States Supreme Court valued the land grant at \$200,000. The University authorized Samuel to settle the lawsuit, but he recovered only \$66,585, from which his substantial fee was taken. In Samuel's defense, newspaper accounts reported that \$66,585 was all the state auditor and treasurer would pay and was approximately the amount the State received from the sale. Moreover, the amount recovered was more than the \$30,099.96 in damages determined by the original trial court that was later reversed by the Indiana Supreme Court.

In 1895, Vincennes University's continuing complaints resulted in the state legislature appropriating \$15,000 more for the University. The legislature specifically stated that the amount was "in full settlement of all claims against the State." Joseph L. Bayard, as treasurer of Vincennes University, signed two separate receipts for \$7,500 each which stated "in full settlement of all claims of Vincennes University against the State of Indiana."

It is not clear what role, if any, George or James Wade played in the payment of this money, but the original receipts signed by Bayard are still in the firm files.

Still, Vincennes University continued to press its claims. This time it was led by James Wade on a quest that rivaled Samuel's original case.

In 1899, James Wade wrote a bill and persuaded the legislature to appropriate \$120,000 of bonds for the University. Governor Mount vetoed the legislation because, in his opinion and many others, Vincennes University had been paid in full. In 1901, a special committee appointed by the Senate to review the University's claim found there was no legal claim. James did not give up. In 1901, James oversaw the introduction of another bill for the University. It passed the Senate but failed in the House. Again, in 1903, James got the same bill introduced, but no action was taken pending a report from a commission consisting of now Governor Durbin, the state auditor, the state treasurer and the state secretary. In 1905, the majority of this commission recommended passage of the bill to right prior wrongs. Governor Durbin dissented, disturbed by the lapse of time in pressing the claim. In 1905, the bill was not voted on.

In 1907, the bill drafted by James Wade finally passed the legislature. It was vetoed by James Wade's friend, Governor Frank Hanley. Stunned by the veto, James Wade's wife, Sada, wrote to Governor Hanley asking him to reconsider. In a letter dated January 21, 1907, the original of which is in the firm files, Hanley responded and apologized to his "friends" but did not change his mind. Hanley requested an opinion from the Attorney General on the constitutionality of the bonds. The Attorney General opined that they were constitutional.

This time, James Wade had the votes to override Hanley's veto. Just when victory seemed assured, Hanley refused to sign the bonds. James

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Wade waited patiently for the new governor, Governor Marshall, who signed the bonds.

But Hanley was not done. He filed a lawsuit as a taxpayer seeking to enjoin the issuance of the bonds as unconstitutional. This required James Wade to defend Vincennes University in a trial at Indianapolis and later in the Indiana Supreme Court.

Hanley argued that there was no debt because Vincennes University was paid “in full” twice. He also argued that the State could not authorize the original litigation. Finally, he called the bonds “a gift” not allowed by law.

In 1910, the Indiana Supreme Court found that the State could acquiesce to the debt, allow the litigation and issue the bonds, which were not a gift.

It was a stunning result made even more so by the fact that James Wade did not charge a fee. The grateful University named the large hall on its third floor “Emison Hall,” which became the social center of Vincennes for many years.

James Wade and the Brevoort Levee

From the beginning of Vincennes, there has been an effort to control the high water of the Wabash. This is especially true south of Vincennes, which is a flat prairie often only ten feet above the normal water level. When George Rogers Clark and his Long Knives marched on Fort Sackville in 1779, they waded chest deep through ice cold flood waters for much of the 170-mile trip. Just south of Vincennes, they reported traveling on high ground. Because the ground was subject to overflow, early residents did not farm it but used it for pasture. The ground was communal and was protected by a small levee or dike built by the community. It was this levee Clark used for his approach. Nothing much changed until William Henry Brevoort.

William Henry Brevoort was born in 1838 in Ohio. His father was a doctor who moved to Indianapolis with his young family. Brevoort was educated in Indianapolis and graduated from Northwestern University, which is now Butler University.

In 1865, at age 27, he moved to Vincennes and purchased a small tract of low-lying ground southwest of Vincennes. Through thrift and industry, he acquired more land until, at his death in 1918, he owned over 9,000 acres, all southwest of Vincennes in low-lying areas.

Brevoort was a student of agriculture. He was always trying new equipment and new methods of cultivations. He invested heavily in livestock and modern feeding techniques. He became quite wealthy.

In 1882, Brevoort purchased a beautiful two-story brick home on the corner of Sixth and Busseron. [Fig. 40] The house was originally built for William H. Tyler by John Stem, the same architect who later built George's house. Tyler, a banker, shot himself over his daughter's grave, leaving a failed bank and widow. George represented the deceased



[Fig. 40] William Henry Brevoort house circa 2019

banker's widow and son in settlement of the estate. The estate was substantial but the debts of the bank and Tyler were greater. George offered Tyler's entire estate to the stockholders of the bank in exchange for the release of the family. The widow later recovered a judgment of over \$22,000 but moved away. Her lawyer, Townsend, purchased her judgment for \$2,000 and then collected over \$16,000. The disbarment lawsuit for Townsend was later dismissed but was a sensation for about a year. The house is restored and is now the office for many radio stations.

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One story claims Brevoort held a cattle drive to Chicago to get better prices. Upon arriving in Chicago, Brevoort and his men were refused lodging in a Chicago hotel. Upon hearing the news, Brevoort allegedly bought the hotel.

While there is a Brevoort Hotel in Chicago, it has no relationship with William Henry Brevoort. The source of the story probably comes from a true story in which rich Vincennes elite were suggested a cheaper hotel by a Chicago hotel clerk based on their appearances.

Brevoort's best insight was in the value of low-lying ground. The ground was rich but could not be farmed unless the floods were controlled. At that time, private landowners could build private levees, but there was no protection unless neighbors built levees as well. Also, the private levee protected other ground that didn't help pay for the levee.

Brevoort invested heavily in this low-lying ground until he had enough contiguous ground to build a very effective private levee. At first, his levee stretched from Vincennes south for five miles. This levee not only protected Brevoort's ground but also the south half of Vincennes itself. Eventually, Brevoort's private levee extended to a railroad bridge near St. Francisville, Illinois. Pictures in the firm's library show Brevoort and his men building the levee in 1888 using mule teams and slip-scrapers.

[Fig. 41 and 42]

But the protection was not complete. Brevoort had the vision to see a more comprehensive levee system that would make all of southern Knox County tillable. The problem was how to carry out that vision on ground he did not own.

Brevoort turned to his close friend, James Wade, and his engineer, Joseph S. Spiker. Spiker, a graduate of Vincennes University and Purdue University, confirmed that the levee was feasible and that the benefits would far exceed its costs. James Wade drafted legislation and oversaw its enactment in 1907.

James Wade's 1907 levee law allowed the Circuit Court judge to establish a levee district consisting of property protected by the levee. The court would then establish a committee elected by the landowners to oversee the levee, establish a budget and assess the land to pay for maintenance. At the beginning, the court would approve the levee location and right of ways. The levee committee would have to pay for the right of ways and construction from assessments.



[Fig. 41] 1888 Brevoort Levee construction with slip-scrapers with Brevoort far left (in library)



[Fig. 42] 1888 Brevoort Levee construction with slip-scrapers (in library)

James Wade and the Brevoort Levee

In 1909, James Wade, on behalf of Brevoort and other landowners, began court proceedings in the Knox Circuit Court to establish the levee district. The custom of the time was to use the first-named landowner as the name of the levee. As a result, the Brevoort Levee Association and Brevoort Levee came into existence.

But not without a fight. For many landowners, the farming in the low-lying lands was subsistence at best, and they did not see or share Brevoort's vision. To them, the extra assessment for the levee was a killer tax. Litigation was necessary on a wide variety of objections, including objections from railroads and the State of Indiana. James Wade handled all of this litigation. He was aided tremendously by the flood of 1913, which at the time was the highest recorded flood. The flood showed the need for levee protection. On July 10, 1916, the court entered the order establishing the levee. Construction began under the supervision of Spiker and was completed by 1918. The Brevoort Levee Association held its first meeting that year. [Fig. 43]

The levee, as built, is over 33 miles long and protects over 50,000 acres of farm land. It is one of the largest agricultural levees ever built. In 1917, it saved a wheat crop worth more than the cost of the levee, quelling any further resistance. When you drive south of Vincennes on US 41, all the wonderful crops, the industrial park and even road that you are driving on, would not be possible without Brevoort's vision. It remains one of the great assets of Knox County and possibly began the longest lawyer and client relationship in the country still in existence.

Brevoort almost did not live to see his vision completed. In 1915, he was meeting with James Wade and William Hoover at the courthouse on levee business. Brevoort was almost deaf and was not paying attention when he walked in front of a streetcar, which carried him over 20 feet until it could stop. He suffered no broken bones in his close call.

Brevoort did die in 1918 but not until the levee was completed. His son, John Mantle Brevoort, assumed his father's role. In 1898, John married James Wade's cousin, Maude Emison. They had five children. Two of the sons, William and John, Jr., never married and lived in the Brevoort House together, but not peacefully. William lived upstairs and was rarely seen. Afraid his brother was trying to kill him, William nailed doors shut, placed barb wire in the stairwell and used a side stairway only he could access. John lived downstairs and was

a noted eccentric, shoveling snow with his shirt open and his chest bare. William died in 1988. John would have died soon thereafter, but nursing home care kept him alive until 1996.



[Fig. 43] Brevoort Levee map (in library)



James Wade's Death

James Wade and his wife, Sada, loved to take rides around the county. They traveled often with James Wade's older brother, John, and his wife, Mary. John owned a seven-passenger Hudson sedan.

On November 25, 1917, James Wade, John, Sada and Mary travelled to Bruceville to attend the funeral of an old Bruceville acquaintance, Paula Utt. Relatives asked them to stay and visit, but James Wade was expecting relatives visiting from New York. John was driving and James Wade was in the passenger seat. The wives were in the back.

They came into Vincennes on First Street, which at the time was not cut off by Vincennes University. Near Shelby Street and Grouseland, First Street crosses the east-west railroad tracts. At the time, there were no cross bars or warning lights. Instead, there was a watchman whose job was to go to the middle of the street and stop traffic when a train approached. On that day, at 1:00 p.m., the watchman was William Fourth. The weather was clear.

Fourth stated that the train heading east was on schedule and that he entered First Street with his lantern to stop traffic. He saw the Emison vehicle approaching, but it could not stop in time and seemed to speed

up to beat the train. There were two other witnesses with similar stories.

The train struck the Hudson at the right rear tire. John's wife, Mary, was thrown from the car some distance. John was barely injured and rushed to his wife. She died in his arms from severe head injuries.

Sada was also thrown from the car and suffered severe cuts to her face and throat. James Wade was found under the car, horribly mangled. His left ear was almost severed from his face, yet he was conscious. He immediately inquired about Sada and was falsely told she was fine. Later, he inquired again and was told her condition was the same as his. Upon hearing this news, James Wade knew Sada would not live and said: "Then she is done for, because I will not live." Sada died at the scene as the ambulance called to the wreck was involved in its own accident. James Wade died early the next morning at the age of 58.

The grief was significant. Firm files contain front page articles with banner headlines carrying the story and later funeral. The firm records still contain over a thousand cards and telegrams of condolences from across the country.



James Wade to Ewing

In 1901, James Wade was joined by Judge William W. Moffett. [Fig. 44] Judge Moffett was born in Owen County, Indiana in 1853. He graduated from Indiana University in 1880. He studied law with an Owen County law firm and was admitted to practice in 1881 when he became a partner in Pickens & Moffett. In 1883, he moved to



[Fig. 44] William M. Moffett (in reception area)

Bloomfield and was elected Judge of Sullivan and Greene County in 1894. In 1898, he retired from the bench because of an understanding that Sullivan and Greene would alternate residents as judge. In 1902, Moffett was city attorney for Vincennes. He was a "solid and staid" Democrat and a delegate to the 1900 Democratic convention. He died in 1908 after a lengthy illness.

William S. Hoover was born in Daviess County, Indiana in 1864. [Fig. 45] He was educated in Knox County. He read law in Captain Reily's office from 1887 to 1889. He also

attended Cincinnati College of Law, where he graduated in 1890. He was admitted to practice in 1890 in the Knox Circuit Court. In 1903, the "Historical and Biographical Atlas of Knox County, Indiana" provides this flowery description of a 41 year old Hoover:

"At the time this sketch was penned, our subject was in the full bloom of bachelorhood, but the gentle zephyrs that toyed with the autumn leaves seemed to say that he was on the verge of renouncing everything pertaining to celibacy, and all for the sake of an heiress."

Like Moffett, he was a Democrat and active in Democratic politics. He served two terms as Knox County prosecutor. Sometime around 1915, he joined James Wade and his son, Ewing, in the practice of law. When James Wade died, Hoover continued on with Ewing as Emison and



[Fig. 45] William S. Hoover (in reception area)

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Hoover until 1931, when he was elected Judge of the Knox Circuit Court. He died while judge in 1941.

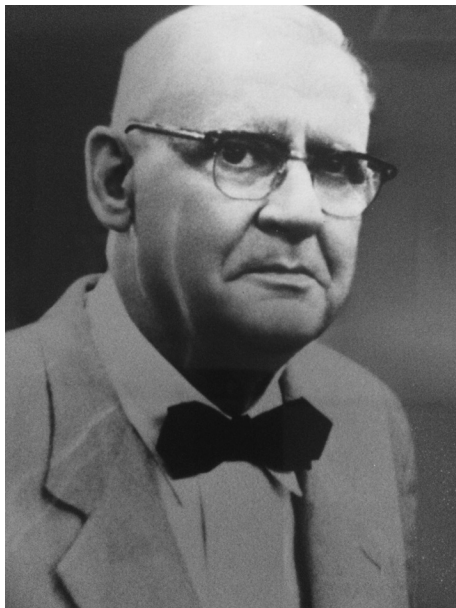
In 1917, before James Wade's death, the firm moved from its 98-year location at Second and Busseron to the brand new Oliphant Building on Main Street. The Oliphant Building was the tallest building in Vincennes until the American National Bank Building opened. It had an elevator and its space was considered "commodious." [Fig. 46]



[Fig. 46] Oliphant Building on Main Street circa 2019

Ewing Rabb Emison and Vincennes

Ewing was born September 19, 1891, the oldest child of James Wade Emison and Sada Ross Rabb Emison. [Fig. 47] He graduated from the Vincennes Public Schools in 1909 but attended Culver Summer Naval School in 1906 and 1907.



[Fig. 47] Ewing Rabb Emison (in reception area)

He followed in his father's footsteps to DePauw University at Greencastle, Indiana, where he was president of his Phi Psi fraternity and a member of Kappa Tau Kappa, an honor fraternity. At DePauw, his nickname was "Urch." He graduated in 1913.

He immediately joined his father and William Hoover and began his study of law in the office. In 1915, he was admitted to the practice of law. When James Wade died Ewing was very inexperienced.

His passion was Republican politics. He never sought an elected office but preferred to remain in the background. He learned from his father how to operate behind the scenes. When his father died, Ewing was able to retain his

father's influence and add to it greatly by expanding to a national stage.

At age 21, he was elected a Republican precinct committeeman, a position he held for 11 years. He was 11 times elected to the Indiana Republican State Committee representing the Second Congressional District, later the Seventh District.

In 1924, Ewing was named the chair of Calvin Coolidge's Indiana committee. Coolidge's election as president gave Ewing unprecedented influence, which he used to benefit Vincennes. He was a frequent visitor to the White House. After one overnight visit, Ewing and his wife, Tuley, were visited by a Naval officer wearing a gold epaulet indicating he was a White House aide. The officer invited the Emisons to a cruise on the Presidential yacht with Coolidge. Ewing declined because he did not have a clean shirt. The officer replied: "May I suggest that an invitation from the President is a command!" Ewing bought a new shirt and went cruising.

In 1924 and 1952, Ewing was a delegate to the Republican National Convention. In 1928, he was Indiana's member to the National Committee. He was invited aboard the Hoover train to meet the President and travel to St. Louis for a political rally. In 1936, as a friend of Alf Landon, he chaired five Midwestern states for the unsuccessful presidential campaign of John Hamilton. In 1937, his name was raised by Senator Capehart for chairman of the Republican National Party. In 1951, Robert Taft selected Ewing and others to represent his presidential campaign in Indiana.

Politics is a rough game, and events soon led to Ewing being attacked by his father's old friend and pallbearer, Thomas Adams, editor of the

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Vincennes Commercial newspaper. In the 1920's, the Ku Klux Klan was very influential in Indiana politics. In 1923, about 400 Klansmen marched down Main Street in Vincennes with two drum corps, a band and electric crosses. The Klan owned Riverside Park in Vincennes, which was called Klan Park and maintained a club house, or Klavern. In 1924, the Klan helped elect the Republican governor. In December of 1925, Indiana Klan leader D. C. Stephenson was convicted of second degree murder and sentenced to life in prison. In early 1926, Adams began investigating Klan influence in his Republican party. Eventually, other newspapers followed Adams, and by 1928 the Klan's power in Indiana was broken. In 1928, a democrat, Curtis Shake, who would later be an Indiana Supreme Court justice and became famous as a Nuremberg judge after World War II, ran for Indiana Attorney General. Ewing's brother, John Rabb Emison, at a republican gathering in Indianapolis, showed proof that Shake was at one time a member of the Vincennes Ku Klux Klan. Shake lost that election

It is difficult to say when the difficulties arose between Ewing and Adams. In 1923, Ewing was the lawyer for the school corporation, which was trying to upgrade its facilities through bond issuances and higher taxes. He wrote an article explaining school finances. Adams was opposed to the taxes. In 1924, Adams published an opinion critical of Ewing and his presentation in favor of the bond issue. In 1925, the Tax Board refused two proposed bond issues by Vincennes schools. Ewing was, however, successful in two 1926 bond issues. One, for \$120,000, built the Coliseum in 1926. The 6,000-seat basketball arena was, at the time, the largest high school arena in the country and was eventually named for John Adams, who coached the 1923 Vincennes Alices state championship team. The other bond issue built Washington School now known as the Washington Christian Center. Adams' main complaint was the lack of transparency in the bond proceedings.

The other bone of contention between Adams and Ewing was Ewing's representation of Central Newspapers, Inc., owned by the Pulliam family. Central Newspapers, Inc. owned newspapers throughout Indiana and Arizona. Sometime before 1926 it purchased the *Vincennes Sun*, a rival newspaper to Adams' *Vincennes Commercial*.

Adams was incensed. The *Sun* was registered as a Democratic paper. The Pulliam family was influential in Republican politics. Adams targeted Ewing, who arranged the purchase.

Adams was beyond incensed when, in 1926, Central Newspapers, Inc. purchased his *Vincennes Commercial*. Adams used his last ink to lash out at the end of his influence and referenced "Jimhouse-Emison tomfoolery" as reasons for his dismissal. Eventually, the two newspapers merged to become the *Vincennes Sun-Commercial* of today, though it is no longer owned by the Pulliam family. The *Sun* attack on members of the firm ceased.

Adams never alleged Klan influence on Ewing or any other Emison. His main complaint seemed to be Ewing's role in the sale of his newspaper. Rabb would later speak of that period of time as volatile because of Klan influence. Ewing was clearly not a Klan supporter, but active Klan opposition in the early 1920's was dangerous.

Ewing's Vincennes saw the roaring 20's, the depression, World War II and the post-war boom. For Vincennes, this was not a time of significant growth, with the population only increasing from about 17,000 to 18,000.

The 1920's did not roar as loud in Vincennes. The post-World War I recession caused Vincennes's largest employer, National Rolling Mills, to close, resulting in the loss of many foundry jobs. From 1919 to 1921, farm prices were cut in half.

In 1926, the School Board fired its superintendent, Edgar Haskins, only to rehire him to a five-year contract at a higher salary. Ewing, as the school's lawyer, thought the action illegal and threatened to quit unless the contract was rescinded. The School Board chose Ewing and fired Haskins again, this time for good.

By 1926, optimism returned. The courthouse was remodeled and the Brown Shoe Factory was built in Vincennes after a \$125,000 inducement. On the corner of Fourth and Main, a burned-out store was removed and work began on a 120-room "George Rogers Clark Hotel" to handle tourists to the new Clark Memorial. A six-story steel framework was erected, but in 1929, the depression stopped all work on the skeletal building. The framework remained until 1943. Until then it was called the "Fresh Air Hotel."

In 1930, the price of wheat dropped from \$1.25 to .37 cents a bushel. The newspaper printed three full pages of property to be sold for taxes. In 1933, street lights were turned off when the city could not pay the electric bill.

In the 1930's, government projects helped keep Vincennes going. The WPA built improvements in Gregg and Kimmell Parks, still used today, including Rainbow Beach, which was recently remodeled. Times were tough. In 1932, Ewing's Packard sedan was stolen off Fifth Street between Broadway and Busseron right outside the old Vincennes University building. In 1938, the streetcar company represented by the firm since its inception in 1883 ceased to operate.

World War II and its aftermath once again saw Vincennes begin to grow. The Hills Department Store replaced the "Fresh Air Hotel." In 1945, Prestolite built a lead battery factory on the outskirts of the city, providing necessary jobs, but eventually polluting the land with lead.

In 1950, the elections of trustees for Palmyra Township and Steen Township were contested by the Republican Party and recounts were ordered. The Knox County Democrats challenged the recount on the grounds that their candidates, if found to be losers, would have no remedy from the recount. The constitutional issue was equal protection. Ewing represented the Republicans. The trial court found the recount procedure to be constitutional.

The Indiana Supreme Court agreed. Based on Ewing's arguments, it found the loser in a recount still had the remedy of "quo warranto," which would allow the court to count the ballots if necessary.

The law has many areas of legal expertise. If rated by excitement or general interest of the public, title work would be at the bottom of the list. It is an area in which Ewing excelled.

Today, title work is covered by title insurance issued by a title company. In Ewing's time and early in my career, an opinion of a lawyer was necessary to establish ownership and whether there were encumbrances on the real property. To render that opinion, the lawyer would review an abstract of all public records related to that property: deeds, mortgages, liens, etc. It is tedious work. One key issue in all title work is whether the government released its claim to ownership because all title begins with the government.

In Vincennes, release of government ownership was often impossible to determine. There were the original French claims, treaties, territorial grants, Virginia's cessation, donations, locations and congressional acts. Ewing took the time to collect all this information and determine release of government ownership for most of Vincennes and Knox County. The firm still retains his work.

Ewing died in his home at 1525 Old Orchard Road on February 17, 1962. His pallbearers included a senator, congressman, former governors, and judges. Eugene Pulliam printed a poignant editorial about his old friend in the *Vincennes Sun-Commercial*:

"Ewing Emison was one of Indiana's really fine citizens. --- a good and conscientious lawyer. He loved politics but played it with honor and courage. Ewing was a proud man. --- proud of his family and heritage. --- of his college --- of his home town. He was proud of his wife and children, and I am proud he was my friend. His children will have an exacting goal, as he did, in the instance of his parents --- who will say "well done."

Other tributes followed listing his accomplishments:

KNOX CO. BAR ASS'N: *"A member of a pioneer family --- the son of the late James Wade Emison, likewise a distinguished member of this Bar. [(He)] was a positive character of diversified interests. Traditionally identified with the Republican Party, he rose to a position of leadership in the State and Nation. As a lawyer he was well grounded and a sound counselor. He was rightly regarded as an expert in --- titles to real property. He took pardonable pride in maintaining the traditions of a law office that had its beginning in the year 1819."*

COUNCIL OF THE CITY OF VINCENNES: *"Whereas Mr. Emison had for years been one of the most active citizens of our community ----- civic, educational, governmental and political ---. ---had served with distinction in many capacities ---. --- taking cognizance of the important part of the history of Vincennes which Mr. Emison had throughout his long years of service ---."*

Lunch with the Partners

SULLIVAN CO. BAR ASS'N: He ---was highly respected by his fellow lawyers ---. Ewing brought recognition and distinction as an active Republican in state and national capacities. He was a worthy son of an established and distinguished family.

GREENE CO. BAR ASS'N: We respected him as a lawyer and [(for)] his character, integrity, ability and personality ---. He was a personification of the legal profession and what it should be --- by the standard of complete devotion to his profession, a full knowledge of the law, endless study, and able advocacy. He was a lawyer's lawyer.

DAVIESS CO. BAR ASS'N: Knox County Bar has lost a lawyer of ability and his community is deprived of --- an outstanding leader ---. Those of us who have known him ---feel a personal loss --- and the members of the old and honorable law firm of which he was the senior member ---. --- our profound admiration for a splendid life that has ended.

PIKE CO. BAR ASS'N: [(In)] --- mastering the law without the aid of classroom instruction, he had the guidance of his father, who was a master of his profession, as a teacher. --- He became a dedicated lawyer. --- He had a distinguished political career. Many times he was referred to as the "king maker." The title was justly merited. Although he had many opportunities --- for various public offices, he enjoyed most the work in planning and assisting others to gain public office ---.

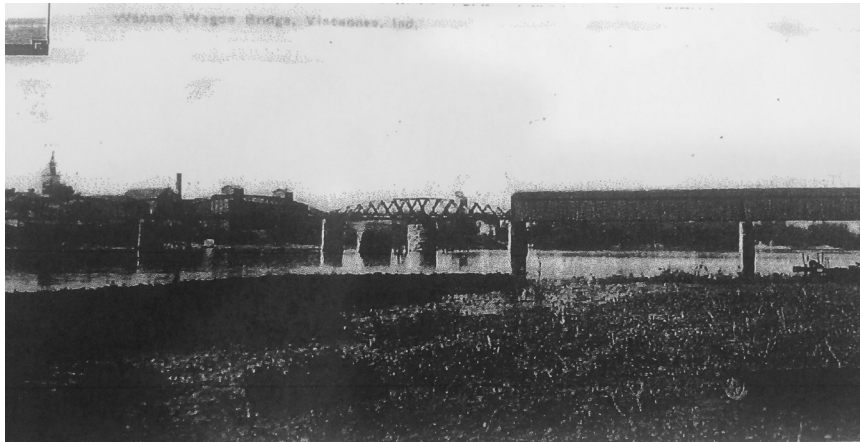
THE LOUISVILLE TIMES: America's two-party political system is typified by the candidates who seek and win public office. Its continuing success, however, rests perhaps even more heavily on the men and women who devote themselves to party housekeeping, yet seldom or never seek office. Such a man was Ewing Emison. --- Mr. Emison shared both in his party's defeats and in its victories. --- At no time did Mr. Emison seek public office. At no time did he seek political favor, which his personal friendship for Calvin Coolidge could have assured him.

U.S. ARMY: CORPS OF ENGINEERS: LOUISVILLE DISTRICT: The long association of this office with Mr. Emison has been a pleasant one spanning many years. --- It is also realized that he wrote the Indiana law for the establishment of the Flood Control Commission and its activities. The corps was so impressed with the law as written that it was sent to all states to be used as a guide.

THE INDIANAPOLIS STAR: A noted lawyer and outstanding political figure in Indiana for many years, --- [(he)] saw and helped make Hoosier history. In turn, this might explain his interest in Indiana's heritage. He took an active part in establishing the historical memorial to George Rogers Clark in the Wabash Valley."

Ewing and the Clark Memorial

The Main Street Bridge from Vincennes to Illinois was originally a covered wooden bridge. [Fig. 48] Over time, segments that burned down or were worn out were replaced by a narrow steel trestle bridge much like a railroad bridge. By 1920, there were guards at each end of the bridge to collect tolls and prevent overloading the very important bridge. A new bridge was needed.

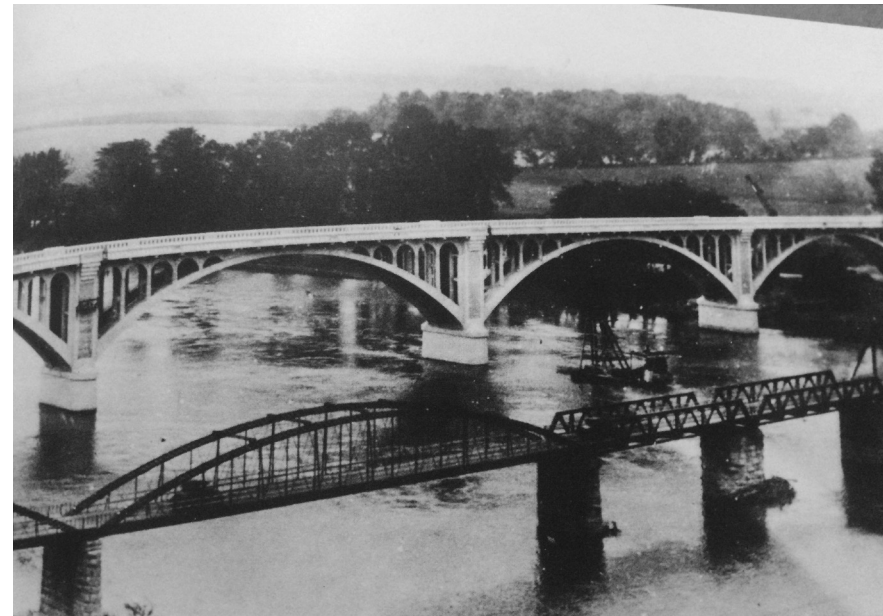


[Fig. 48] Wooden Main Street Bridge circa 1900's

Frank Culbertson was a prominent Democrat politician who was elected as Mayor and, later, State Senator. He proposed a new bridge on Vigo Street, a block downriver from the Main Street Bridge. He suggested to Dr. Coleman of the State Historical Society that at the foot of the bridge a memorial be erected to celebrate the 1929 sesquicentennial of Clark capturing Ft. Sackville.

At the time, the site of Ft. Sackville was marked only with a placard erected in 1905 by the Daughters of the American Revolution. The site itself had an old warehouse, old grain elevator, feed mill, weeds and houses of ill-repute.

Coleman and Culbertson created a commission. Culbertson's inspired move was to appoint Ewing, his political rival, to the commission. Ewing had recently helped elect Calvin Coolidge as president of the United States.



[Fig. 49] New and Old Bridge circa 1929

Lunch with the Partners



[Fig. 50] Lincoln Crossing Memorial circa 2019 (west end of bridge)

In 1926, Ewing succeeded in having the national Republican Party adopt a plank in its platform calling for a memorial to celebrate Clark's capture of Ft. Sackville. In his State of the Union address in 1927, President Coolidge proposed federal support for the memorial. In 1928, Congress authorized \$1,000,000 for the memorial conditioned on Indiana providing the land and future support. The federal legislation also required a 15-person federal commission to oversee the project.

There then ensued a power struggle, won by Culbertson. Ewing's faction was doomed to be a minority on the commission for the next ten years. As a result, many parts of the original project did not get built.

However, what was built is still magnificent and a source of great pride. It was dedicated on June 14, 1936 by Franklin Roosevelt. Rabb, who was only 11 years old at the time, remembered the President's visit. His strongest memory was of the press taking many pictures. However, when Roosevelt was helped from his car to the podium, no one took any pictures out of respect for the President's condition.

Because of Ewing's influence, Vincennes received a beautiful stone bridge gracefully arching over the Wabash River. [Fig. 49] On the Illinois side is a memorial to Lincoln crossing to Illinois. [Fig. 50] Sculptures of Tecumseh and the Prophet stand on the Indiana side.

[Fig. 51] More importantly, the beautiful grounds and buildings of the George Rogers Clark Memorial provide a gorgeous riverside park. [Fig. 52]



[Fig. 51] Stone carvings of Tecumseh and Prophet circa 2019 (east end of bridge)



[Fig. 52] George Rogers Clark Memorial (aerial picture)

Ewing and the Brevoort Levee

James Wade wrote the 1907 levee law but did not live long enough to see the Brevoort Levee completed. It was left to Ewing and Hoover to attend the meetings and keep the levee organization going.

This was not an easy task because the assessments for levee expenses were determined each year and some landowners did not want to pay assessments. The minutes of one early meeting include: “The meeting was adjourned when a fist fight broke out.” In 1919, Ewing rewrote the levee law to clarify maintenance assessments.

In 1930, large floods on the White and Wabash Rivers showed the inadequacy of the existing levee. The federal government sent money and workers to repair the damages, but a more permanent solution was needed.

In 1928, Congress passed the first Flood Control Act, directing the Army Corps of Engineers to study and build flood protection works. In 1932, Ewing began to lobby the Corps on behalf of the Brevoort Levee. In 1936, Congress authorized the rebuilding of the Brevoort Levee, one of the first authorizations under the Act. However, before the project could proceed, Indiana needed to pass authorizing legislation.

This type of state legislation had never been written before. Ewing started with a blank slate. He crafted state legislation that passed in 1937, authorizing acceptance of federal levee money. The Corps used Ewing’s legislation as a model for other states.

In 1939, Ewing drafted and oversaw the passage of legislation that gave the Brevoort Levee rights of way over the Clark Memorial grounds. These rights of way are still an issue today in local flood protection. In connection with the rebuilding of the levee, Ewing drafted and got passed the following legislation:

- 1937 Authority to accept 1936 U.S. Flood Control Act to build the new levee
- 1939 Indiana easement grant to Brevoort Levee Committee on Clark Memorial grounds
- 1941 Proceedings to modify or increase assessment base for Maintenance Fund
- 1941 Prohibits taxing of levee easement to landowner
- 1941 Authorizes issuance of County Judgment Funding Bonds necessary to finance and spread over 15 years the cost of the new right-of-way for the new levee
- 1945 Indiana Flood Control Act written and enacted at the request of U.S. Engineers
- 1947 Authorizes Levee body to accept any U.S. Flood Control Act
- 1947 Amended General Levee Law of 1907 to accept Federal Aid
- 1949 Provides state may execute easements for flood control works

From 1939 to 1949, the Brevoort Levee was rebuilt by the Corps. The local levee committee was responsible for providing rights of ways and easements. In many places, the levee was moved from the original court-ordered right of way. This required Ewing, on behalf of the levee, to negotiate or litigate real estate rights before the levee could be built.

The new Brevoort Levee was accepted from the Corps in 1949. It is built with wider slopes and higher protection. In fact, the Brevoort Levee provides enough protection that Vincennes retains its 100-year flood protection status on the FEMA map.

Lunch with the Partners

In order to help the levee pay bills and bonds, Ewing entered into a written agreement deferring his legal fees until the levee bonds were paid. However, he died before the bonds were paid. Rabb and Tom filed suit for recovery of the fees. The levee committee agreed Ewing was owed the fees but decided to let the court determine the amount of the fee.

Unfortunately for Rabb and Tom, landowners in the levee district

intervened in the court case, using the statute of limitations as a defense to the payment. The landowners argued that the fee was due in 1949 and the lawsuit in 1965 was too late. The trial court found the statute of limitations applied and the Court of Appeals agreed. For all his work, Ewing did not get paid. He did leave behind one of the largest agricultural levees in the world, making over 50,000 acres of Knox County land productive and valuable.

Ewing and Vincennes University

When James Wade died in 1917, Ewing was elected to take his position on the Board of Trustees of Vincennes University. Despite the prior work of Samuel, George and James Wade, the University remained in deep financial trouble. Without continuing state support, it struggled to exist during the Depression.

After World War II, Vincennes University saw an influx of veterans and the need for more support. In 1947, Ewing called on his old friend, Governor Gates. Gates was able to pass legislation whereby Indiana annually matched any money raised by the University. This money was the first annual support from the state to the University.

In 1955, Ewing did even better. With the help of his friend, Governor Craig, Ewing got the legislature to double its support for the University. In 1961, Ewing was given the "Harrison Citation" by University

president Isaac Beckes in a ceremony with his son, Rabb, as master of ceremonies. The University gave Ewing a matching set of luggage. It was his only compensation.

In 1988, Matthew Welsh, former legislator, governor and member of the Board of Trustees of Vincennes University, wrote a history of the University's struggles with financing for the Indiana Magazine of History. Welsh's history failed to mention either James Wade or Ewing, though it recounted the receipt of the benefits of their work. Instead, the article credits Curtis Shake with securing the state annual support. Rabb noted that Shake, a Democrat, was a member of the wrong party and that Shake was not friends with the two governors responsible for the state support. They were Ewing's friends.



Ewing to the Present

From 1917 to 1931, Ewing practiced with William Hoover as Emison and Hoover. Hoover left in 1931 to be Judge of the Knox Circuit Court, where he served until 1941 when he died.

In 1939, Ewing was joined by his younger brother, John Rabb Emison. [Fig. 53] John Rabb was born 1896. He was at DePauw University when James Wade died in 1917. On graduation from DePauw, John Rabb attended Harvard Law School. On graduation from law school, he practiced law in Indianapolis as an assistant U.S. attorney.



[Fig. 53] John Rabb Emison
(in reception area)

In 1943, Ewing moved the firm's office from the Oliphant Building to the second and third floors of

the Vincennes Savings Bank on the corner of Second and Main. [Fig. 54] He was joined there by Rabb in 1950 and Tom in 1957. In 1961, the offices moved to their current location, a new building on Eighth and Busseron just across from the courthouse. [Fig. 55] Bob joined the firm in



[Fig. 54] Vincennes Savings Bank Building
circa 2019



[Fig. 55] Current office at 801 Busseron

1965. The building received an addition in 1968. [Fig. 56] I joined in 1976. [Fig. 57]

In 1989, David Roellgen, a Vincennes native, joined the firm. [Fig. 58] In 1996, the 1847 building next door known as the Samuel Dunn House was converted to firm office space. In 2000, Yvette Kirchoff, a North Knox native, joined the firm.

[Fig. 59] Brian Johnson, a descendant of Thomas Johnson, the “King of Johnson Township”, and Vincennes native, joined the firm in 2010. [Fig. 60] Charles Traylor, a fourth generation Vincennes resident, joined in 2015. [Fig. 61] The newest addition, Nicolas J. Gartner, joined in 2017. [Fig. 62] Nic’s family has been active in Brevoort Levee matters for almost 100 years.

Today’s Vincennes remains a vibrant city. Though the census shows a drop in population, developments just outside the city grew significantly while the city failed to annex. A new high school and middle school replace the downtown structures, which are now senior housing or demolished. A new YMCA with Senior Center replaces a now gone downtown YMCA. Vincennes University, in the 1960’s, moved to its current campus and continues to expand including the recent acquisition from the city of Kimmell Park and the extensive renovation of the riverfront. Good Samaritan Hospital opened a new wing with 120 beds. An industrial park protected by the Brevoort



[Fig. 56] Dunn House office at 815 Busseron

Levee attracts new business. Hills department store is now offices for Pioneer Oil Company.

Even the jail changed. When I arrived in 1976, the jail was an old stone building with a castle tower just across from our office and the courthouse. Rabb once got a late night call from two people recently arrested. He explained to them he did not do criminal work. Undeterred, they asked if he was the lawyer for the

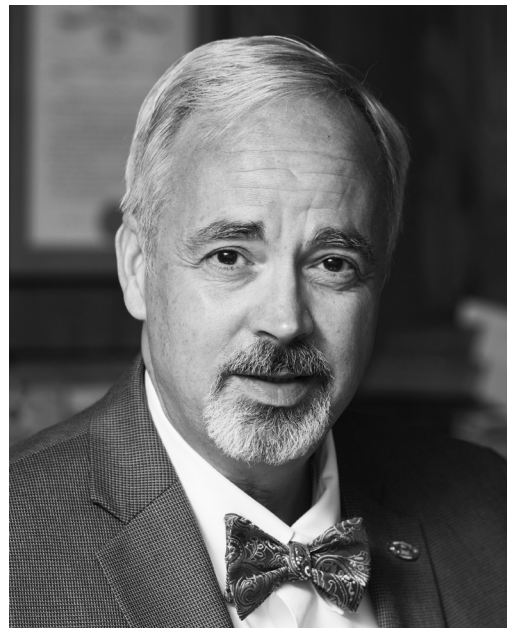
local newspaper. When Rabb acknowledged he was, they told Rabb that they had been arrested all over the country and the Vincennes jail was the worst they had ever seen. They thought the paper should know. A new jail was built in the 1970’s, only to be replaced with a bigger, more modern jail in the 2000’s.

Not everything changed for the better. Ewing did much of his work in Indianapolis. Today, there is still a large amount of legal work done by the firm in Indianapolis, but it is a draining car trip in excess of two hours one way over crowded interstates or highways. Rabb remembers his father getting on the train in Vincennes late in the evening, getting a sleeper car, falling asleep and arriving in Indianapolis when he awoke. Ewing would then do a full day’s work and return by train to Vincennes in time for dinner the next day. Perhaps those were the good old days.

Ewing to the Present



[Fig. 57] Jeffrey B. Kolb



[Fig. 58] J. David Roellgen



[Fig. 59] Yvette C. Kirchoff



[Fig. 60] Brian M. Johnson



[Fig. 61] Charles E. Traylor



[Fig. 62] Nicholas J. Gartner



Epilogue

The history of the firm did not stop with Rabb, Tom or Bob. The firm still handles significant legal problems with creativity and a never quit attitude. Firm partners continue to draft and pass legislation such as the Power of Attorney Act and worked for over 30 years to repeal the Indiana death taxes. The firm helped build a \$2.3 billion power plant in Edwardsport for Duke Energy. The Brevoort Levee Conservancy District continues to maintain the over

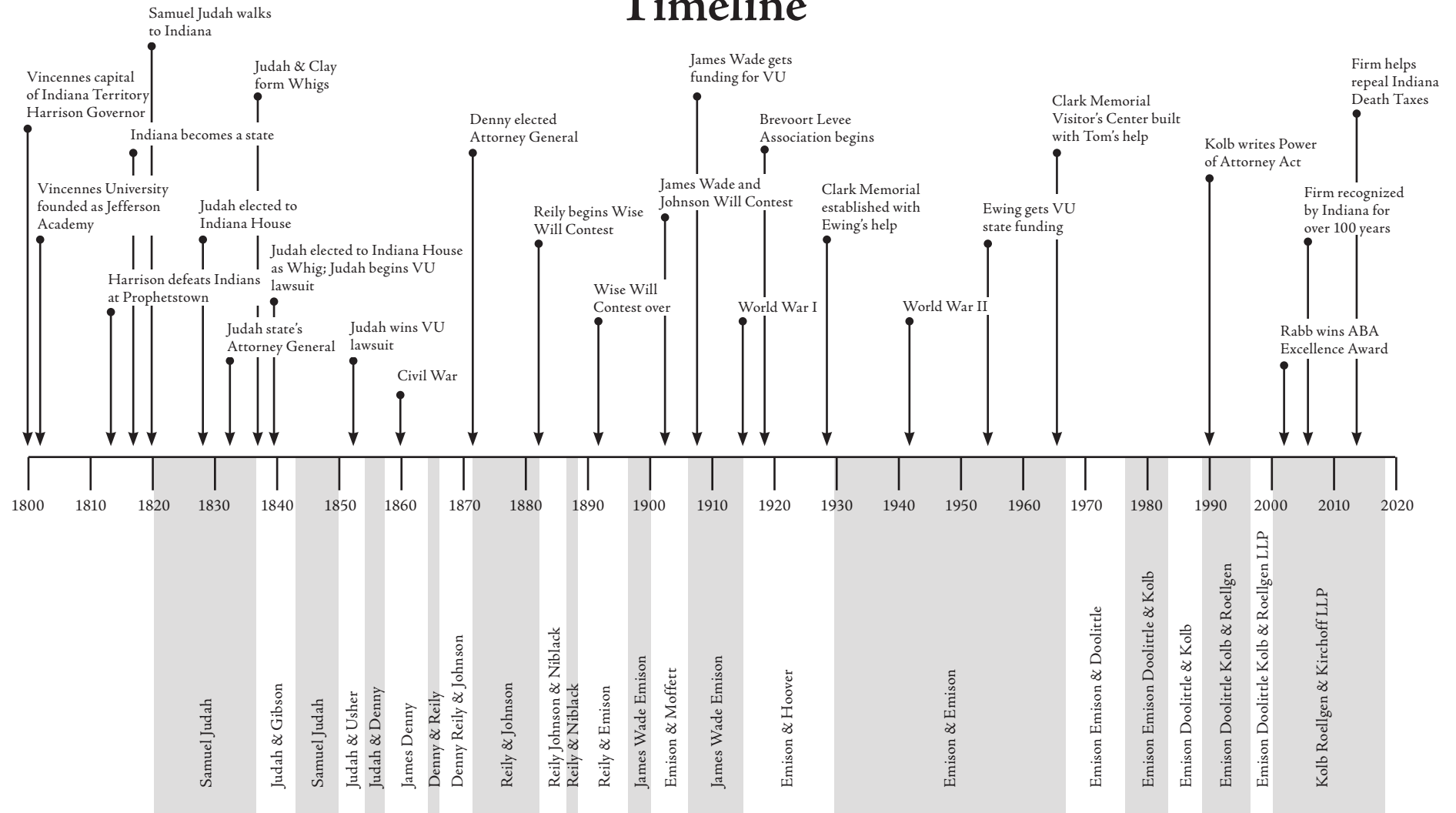
100-year old levee with significant legal work from the firm. But those issues involve living partners. I leave to others to write about the history we make.

With Rabb and Tom dying and Bob retiring, “Lunch with the Partners” is no more. Perhaps the real purpose of this history is to pass on the stories without the lunch.

Enjoy.



Timeline





Photos



[Left to right:] J. David Roellgen, Yvette C. Kirchoff, Jeffrey B. Kolb and Brian Johnson, circa 2015 in firm library

Lunch with the Partners



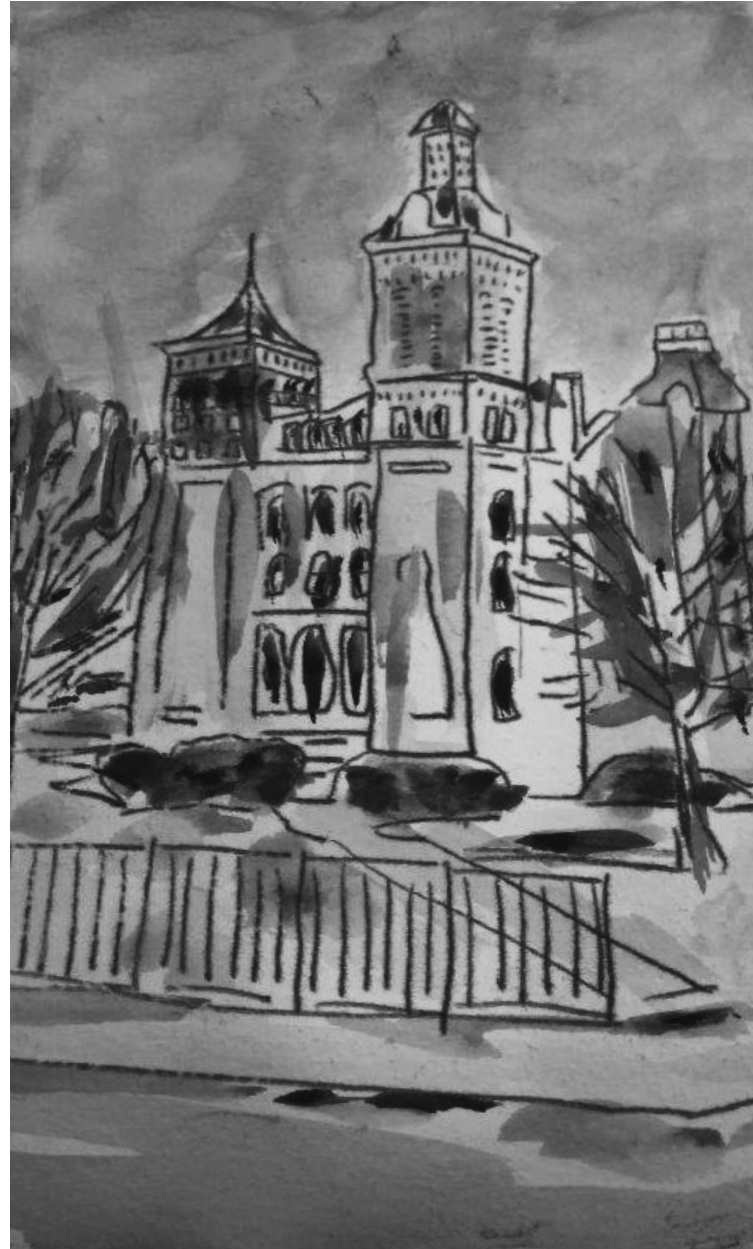
[Left to right:] J. David Roellgen, Cindy Jones, Robert P. Doolittle, Susan Wittmer, Rabb Emison, Beth Cochran, Jeffrey B. Kolb and Shirley Early, circa 1998 in 815 Conference Room

Photos



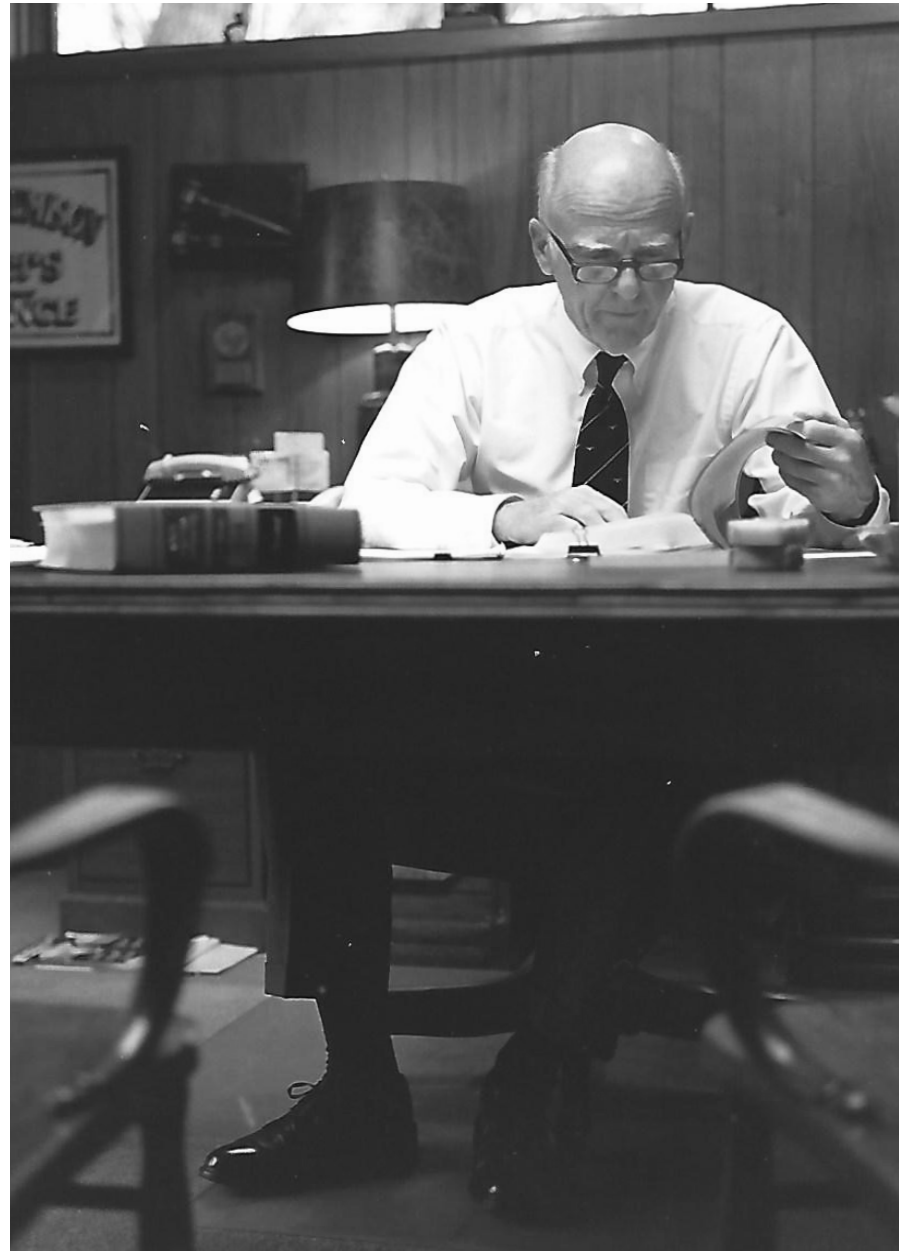
State of Indiana Over 100 Year Business Award [Left to right:] Lt. Gov. Becky Skillman, Jeffrey B. Kolb, Rabb Emison, Mayor Terry Mooney, J. David Roellgen and Yvette C. Kirchoff, circa 2004

Lunch with the Partners



Knox County Courthouse Watercolor by J. David Roellgen, circa 2015

Photos



Rabb Emison, circa 1998

Lunch with the Partners



Cindy Jones, circa 2015



Jody Schulze, circa 2015

Photos



Tina Eckert, circa 2015



Susan Wittmer, circa 2015

Lunch with the Partners



Kim Williams, circa 2015

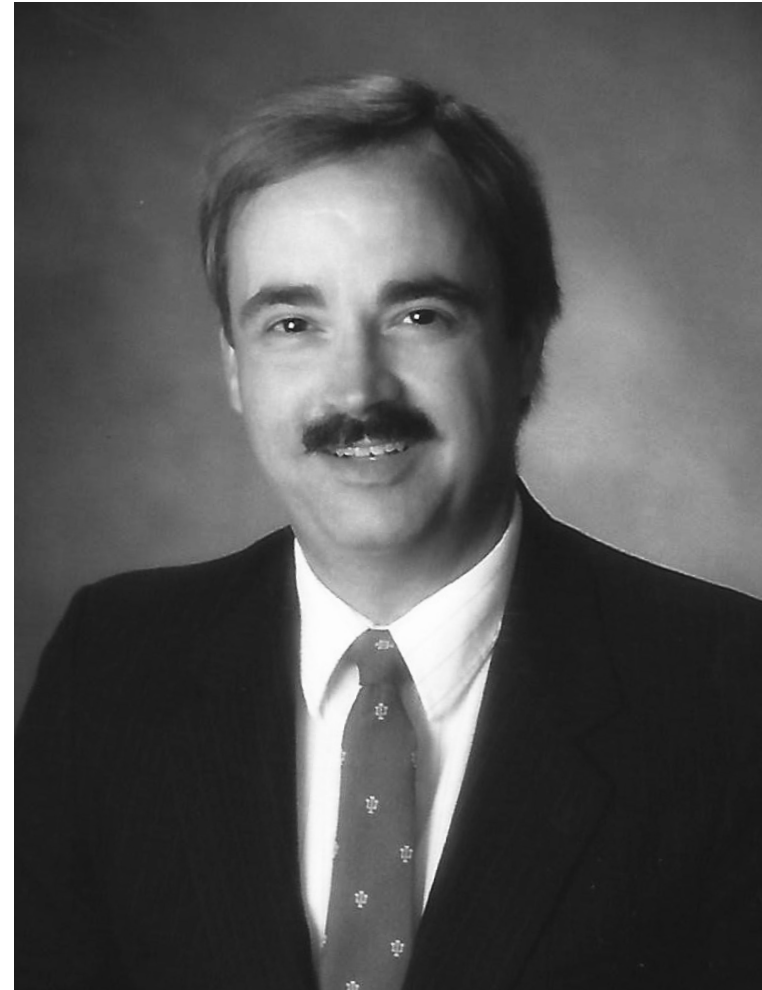


Yvette C. Kirchoff, circa 2004

Photos



Jeffrey B. Kolb, circa 1998



J. David Roellgen, circa 1998

Lunch with the Partners



Robert P. Doolittle, circa 1998

Photos



[Left to right:] Terry Cox, Beth Cochran, Dorothy Phillips and Shirley Early, circa 1998 in library

Lunch with the Partners



[Left to right:] J. David Roellgen, Robert P. Doolittle, Rabb Emison, Jeffrey B. Kolb and Brian Dickerson, circa 1998 in 815 Conference Room

About the Author

Jeffrey B. Kolb

Jeff was born in 1951. He graduated from Indiana University-Bloomington in 1973 and from its School of Law in 1976 when he joined the firm.

He is now the senior partner and handles the firm's estate planning and estate administration practice. Jeff also does considerable work in estate and trust litigation, elder law, real property and business entities. Jeff practices in Indiana and Illinois.

Since 1979, Jeff has served on the Indiana Probate Trust and Real Property Section Council. In 1981, he began a quarterly newsletter for the Section that he still edits today. In 1986-1987, he chaired the Section. In 1991, Jeff wrote the Indiana Power of Attorney Act. Since 1996 to the present, he has chaired the Probate Review Committee, which is responsible for almost all legislation during the period of time related to trusts and estates. He served on the Indiana State Bar Association Board of Managers, the Unauthorized Practice of Law Committee, and the Internet and Electronic Commerce Committee. He was president of the Indiana Bar Foundation from 2000 to 2002 and has been a Foundation fellow since 1988. He also served on the Board of Directors of the Indiana Continuing Legal Education Foundation for many years. In 2012, he chaired the successful repeal of Indiana Death Taxes, a 30 year quest.

From 1988 to the present, he has been a member of the American College of Trust and Estate Council. From 1990 to the present, he has been a member of the National Academy of Elder Law Attorneys. As a director with the Volunteer Lawyer Program of Southwestern Indiana from 1999 to the present, he helps provide pro bono legal services for

the indigent. From 1980 to 1982, he was appointed to the Probate Code Study Commission by Governor Bowen. He became a Board Certified Indiana Trust and Estate Lawyer in 2006 when he drafted the first test to certify lawyers in that specialty.

Jeff wrote a software program, "Indiana Estate Planning Systems," along with two books, *Indiana Tax and Administration System for Trusts, Estates and Decedents* and *Indiana Guardianship System*, which emphasize the use of technology and legal assistants to provide quick and efficient legal services to clients. He is the author of Volume 8 of Henry's Indiana Probate Law & Practice, which provides forms for lawyers, and Chapter 41, dealing with Indiana Death Taxes. He has written and presented over 100 papers in various seminars in the area of estate planning and administration.

Jeff has received numerous awards and recognitions for his legal work. In 1980, he received a Citation of Merit from the Indiana State Bar Association for an article written for its magazine *Res Gestae*. In 1995, he received the same ISBA award for the Probate Newsletter. From 2000 to the present, he has been in Who's Who in American Law. From 2001 to the present, he has been in Best Lawyers in America. In 2004, he received the Probate Trust and Real Property Section Lifetime Service Award, of which he is the only recipient. From 2005 to present, he has been selected as a Super Lawyer by the *Indianapolis Monthly* magazine and was in the Top 10 lawyers in Indiana in 2008 and the Top 50 lawyers in Indiana in 2007 and 2009 to 2013. In 2006, he was selected to the Hall of Fame by the General Practice Section of the Indiana State Bar Association. From 2009 to

Lunch with the Partners

the present, *Indiana Business* magazine selected him to its list of Best Lawyers and in 2009, he received a Presidential Citation for his work on the Unauthorized Practice of Law from the Indiana State Bar Association.

Jeff has served on the YMCA Board of Directors since 1993 and was president from 1999 to 2001. From 1993 to the present, he has been a member of the Vincennes Education Foundation, served on the Board of Directors from 1994 to 2010 and was president from 1998 to 1999. From 1998 to the present, he served on the Knox County Community Foundation and on the Board of Directors from 1998 to 2002 and 2008 to the present. In 2000, he served as president. From 1989 to the present, he has served on the Board of Directors of the Lincoln High School Academics Society. From 1988 to the present, he has served on the Wabash Valley Estate Planning Council, being a founding member

and first president. In 1986, he was appointed and later reelected to the Vincennes Community School Corporation School Board, where he served until 1997. He was president in 1989, 1991 and 1996. He served on the Knox County United Way as president in 1989 and the Vincennes Civitan Club, where he was president in 1980. He also served on Old Town Players, Inc., Old Northwest Corporation and the Fort Knox II Committee, an ad hoc Committee of the Indiana Historical Society. He is a founding member and first president of the Old Northwest Running Club in 1979.

He is married to Deborah, with whom he recently celebrated their 45th anniversary. His three children, Justin, Joanna and John, live in Cairo, Egypt; Pelham, New York; and San Francisco, California respectively.