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# FEDERAL JUSTICE AND MORAL REFORM IN THE UNITED STATES DISTRICT COURT IN INDIANA, 1816-1869\*

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DONALD KITE\*\*\*

In November 1840, William Martin, an Indiana mail stage driver found himself standing in United States District Court, convicted of stealing a letter containing bank notes from the mail.<sup>1</sup> District Judge Jesse Lynch Holman reviewed the evidence that convinced the jury, and then lectured the defendant upon his future prospects:

The prospect before you is truly dark and dreary; yet there is a distant ray of hope that may enlighten your path . . . . You may do much by a patient submission to the law—by a reformation of life and an upright line of conduct . . . to some extent, to regain a station among honest men. You may do more than this: By repentance and reformation, you may obtain the approbation of Him, whose favor is better than life or liberty, and far more valuable than an earthly reputation.<sup>2</sup>

The Judge then sentenced Martin to the minimum penalty, ten years at hard labor.<sup>3</sup>

Moral reformation, the attempt to improve society by improving the character of its citizens and their institutions, is a favored topic of historians of pre-Civil War America, and Judge Holman's words remind us that judges were among the many who were touched by the reforming spirit of that era. This paper is designed to suggest that issues of reform were in fact one of the features of the early District Court a century before the division that created the modern Southern District.

Jesse Lynch Holman offers a good starting point. He was a native of Kentucky, who had read law in Lexington under future presidential contender Henry Clay. Holman had then migrated to the Indiana Territory in 1810, served from 1816 to 1830 on the Indiana Supreme Court, and lost to John Tipton by one vote in the 1831 election for the United States Senate. In 1835, Holman pursued the District Court seat recently vacated following the death of Benjamin Parke, and received an interim commission pending final appointment. The appointment stalled, however, launching Holman on a nine month political quest that extended from the summer of 1835 to the spring of 1836, took him on journeys across Indiana and to Washington, D.C., saw him seriously injured in a stagecoach accident as he crossed the Allegheny Mountains on an icy road, and included a decisive private interview with President Andrew Jackson. We know the story in

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\* This essay is derived from the authors' research for a forthcoming history of the District Court to be published by the Indiana Historical Society.

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1. *United States v. Martin*, 26 F. Cas. 1183 (C.C. Ind. 1840) (No. 15,731).

2. *Id.* at 1186.

3. *Id.*

considerable detail because Holman kept his family closely posted on the confirmation process, and his family (and later Indiana University and Franklin College) carefully preserved his correspondence.<sup>4</sup>

The lengthy process, Holman suggested, owed more to the emerging two-party factionalism of Democrats and Whigs, and to ensuing rivalries among members of the Indiana delegation to Congress, than it did to him personally. In the process, Holman found it necessary to respond to charges that included purported opposition both to Jackson's administration and the selection of Martin Van Buren as Jackson's successor, insufficient legal qualifications to serve as a federal judge, embarrassing personal behavior, and the belief that Holman was, in words reported to him by Indiana Congressman Amos Lane, "a fanatic on the subject of abolition."<sup>5</sup>

Holman eventually satisfied President Jackson, and Indiana's two Senators, that the first three charges were both politically motivated and factually false. As Holman put it in describing his key interview with the President,

I was fortunate enough to find him alone. He conversed freely on a great variety of subjects. Talked for some time on the subject of my appointment, & the opposition that was got up against me; seemed to be apprized [sic] that the opposition was not so much against me as against my friends.<sup>6</sup>

On the charge of abolitionism, however, Jackson took the time to ask Holman's detailed views.

[Jackson] mentioned the charge of abolition, . . . which I had answered in several letters, which I had shown him. I satisfied him completely on that subject, & especially by repeating my decision in the first Negro case I acted on a few days after I rcv'd my commission, in which I gave a certificate for removal of the slave to Kentucky. I stated the principles upon which I decided. It gave him entire satisfaction & Carr [Holman's political companion at the interview] remarked afterwards that the Gen'l was particularly pleased with my decision.<sup>7</sup>

Holman did not bother in his family letters to include the details of the case involving the Kentucky slave, probably assuming it was well known to his intended audience. In all likelihood, he had been involved in one of the growing number of recaption, or recapture, cases arising under the 1793 Fugitive Slave Act. The Act responded to Article IV, Section 2 of the Federal Constitution, which read,

No Person held to Service or Labour in one State, under the Laws

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4. I. George Blake, *Seeking a Federal Judgeship Under Jackson*, IND. MAG. HIST., 1939, at 311-25.

5. Letter from Indiana Congressman Amos Lane to District Judge Jesse Lynch Holman (Dec. 19, 1835).

6. *Id.* at 321-23 (quoting letter from Holman to Allen Hamilton (Feb. 10, 1836)).

7. *Id.*

thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.<sup>8</sup>

The 1793 Act made recovery a matter of federal law, creating a process by which slave owners (or their representatives) could, upon oath, recover runaways.<sup>9</sup> Holman's "principles" were undoubtedly those of following the procedures set forth in the Act, and Jackson did not press him. Holman's appointment followed within a month.<sup>10</sup>

Had Jackson pursued the matter, he might have been less satisfied. Holman's earlier legal career had dealt with more than recaption cases, and illustrated some of the challenges that existed at the intersection between state and federal jurisdiction. Under both the Northwest Ordinance and the 1816 State constitution, slavery was barred from Indiana. Holman had cited the Northwest Ordinance as his reason for freeing slaves owned by his wife when the couple first moved to Indiana in 1810. Yet just across the Ohio River was the slave state of Kentucky, from which some masters sought by legalistic subterfuges to bring and retain their slaves. Slave owners most commonly attempted to thwart the territorial ordinance and the Indiana constitution by claiming that their slaves were simply indentured servants who had signed long term labor contracts, enforceable as any contract would be in a state court.

One of the most important of these cases, *In re Clark*, had reached Holman fifteen years earlier, in November 1821, while he was serving on the Indiana Supreme Court.<sup>11</sup> The case centered upon Mary Clark, an African-American woman (or, in the court's terminology, "a woman of color") who had been purchased by a former slaveowner in Kentucky in 1815. The former owner had then brought Clark to Vincennes, where he promptly freed her. At the same time, however, he had contracted with Clark to serve him as an indentured servant for thirty years. A year later he cancelled and destroyed her contract. On the same day, General W. Johnston signed Clark to a twenty-year indenture as a house maid. Mary Clark subsequently petitioned for a writ of habeus corpus, claiming she was held as a slave. General Johnston admitted to the court that he had paid Clark's former owner \$350, but argued this was not slavery but merely indentured servitude. A lower court in Knox County agreed with Johnston. The State Supreme Court, in an opinion written by Holman, disagreed.<sup>12</sup>

The Indiana Supreme Court agreed that any Indiana resident, including Mary Clark, could enter into a contract for personal services. Contracts for specific performance were not legal, however, because they were indistinguishable from

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8. U.S. CONST. art. IV, § 2.

9. DON FEHRENBACHER, *THE SLAVEHOLDING REPUBLIC* 205-30 (Oxford Univ. Press 2001).

10. Blake, *supra* note 4, at 324 (quoting letter from William Hendricks to Holman (Apr. 1, 1836)).

11. 1 Blackf. 122 (Ind. 1821).

12. Sandra Boyd Williams, *The Indiana Supreme Court and the Struggle Against Slavery*, 30 IND. L. REV. 305, 307-09 (1997) (citing *In re Clark*, 1 Blackf. at 123-24).

slavery or involuntary servitude, which was banned in the Indiana Constitution. Here are Holman's words:

Such a performance, if enforced by law, would produce a state of servitude as degrading and demoralizing in its consequences, as a state of absolute slavery; and if enforced under a government like ours, which acknowledges a personal equality, it would be productive of a state of feeling more discordant and irritating than slavery itself.<sup>13</sup>

Neither the issues of the case, nor its decision, should come as a surprise to those familiar with the early factionalism of the Democratic-Republican Party in Indiana. When the State held its first elections in 1816, its dominant political leader, Jonathan Jennings, had campaigned upon a platform that rejected the ideals of the plantation, slavery included. Jennings affirmed instead the primacy of the independent, hard-working citizen—what has often been called the Jeffersonian yeoman farmer. Identifying the center of the old politics with Vincennes and Knox County, Jennings crafted an appeal based upon democratic participation and opportunity that resonated with secure majorities of voters, especially in the Whitewater River Valley and other eastern and southern portions of the early State. For a Jennings appointee to Indiana's highest court to overturn a Knox County decision, and thereby reject a form of labor identified with plantation culture, was only to be expected.<sup>14</sup>

The search for the context of Holman's ideas and activities can extend beyond politics. Both court history and the legal implications of reform are established topics within the study of antebellum America. Historians usually treat them in separate chapters, particularly at the state level, saving the intersection of law and reform until discussions of the sectional legislative crises that repeatedly agitated Congress. Yet Holman's responses to the charges of abolitionism show one of the key antebellum reform issues, anti-slavery, rearing its head in the history of the District Court independent of any specific national crisis. Reform can thus serve as an invitation to us to rethink the manner of interpreting the history of the United States District Court for the Southern District of Indiana.

The recent bicentennial of the United States Constitution served as the occasion for publishing a number of histories of District Courts in other states. The histories are as varied in scope as the states they cover, but in covering the antebellum era they generally include three themes. First, they explore the interaction of law and politics in that exuberantly participatory era. Second, they document that the quest for a federal balance, a definition of the tensions and borders between state and federal authority, was present in the district courts as well as in the Supreme Court. Third, the histories frequently explore landmark district court decisions.<sup>15</sup>

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13. *In re Clark*, 1 Blackf. at 124-25.

14. ANDREW CAYTON, *FRONTIER INDIANA* 226-60 (Indiana Univ. Press 1996).

15. *See, e.g.*, PATRICIA BRAKE, *JUSTICE IN THE VALLEY: A BICENTENNIAL PERSPECTIVE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE* (Hillsboro Press 1998); RICHARD CAHAN, *A COURT THAT SHAPED AMERICA: CHICAGO'S FEDERAL DISTRICT COURT*

Holman's nomination allows us to speak to all three of these. He clearly was caught up in current political discourse. It must have been an interesting moment for him, as a lawyer trained by Henry Clay, a prominent Whig, to explain, as Holman did, his support for two of Clay's great Democratic rivals, Jackson and Van Buren. Holman was also clearly expected to have the legal skills to manage the tensions between state and federal authority on issues such as recapture. And he was explicitly asked to explain the "principles" he would use in interpreting federal law and providing legal precedent. Yet what stands out in his tale is the central role that reform, and specifically anti-slavery sentiment, played in it.

Histories of reform are a staple of antebellum studies, and here again several themes seem to enjoy continued interest. We are often asked where in America, when in time, why in motivation, and who in support made the reform impulse of the antebellum years such a force to be reckoned with. Were the reforms broadly national in scope, or more narrowly limited to a particular region such as the New England? Were they a continuing feature of several decades, or a force building over time? Were they religious or secular in their underlying spirit? And did they gain or repel adherents as they developed?<sup>16</sup>

Holman is an interesting case study. Born and educated in Kentucky, his relocation to Indiana took him just across the Ohio River to Aurora, where he built his home and career. His most important reform decision, *In re Clark*, came early in his career, and on the surface as much in response to state politics as to any other motive. His motives seem fairly clear until we add one fascinating dimension: his religious beliefs. Holman was a devout Baptist.

His religious training came early. Holman learned his "letters" by reading the Bible in his parents' home in Mercer County, Kentucky. In his adult years he could recollect the contents of the first sermon he heard when he was four years old. He assisted in "gathering" the Aurora Church, organized his county's Sunday School Association, went on to become a national vice president of the American Sunday-School Union, and president at various times of the Western Baptist Publication and Sunday-School Society, of the Indiana Baptist Education Society, and the Indiana State [Baptist] Convention.<sup>17</sup> In the admiring words of William Cathcart's 1883 *Baptist Encyclopedia*,

In 1834 he was ordained, and thus entered upon a work that his soul longed to engage in. So unsullied was his public as well as his private life that men were always glad to hear him preach. While traveling the judicial circuit it was no unusual thing for him to address his fellow-citizens on Bible operations, missions, Sabbath-schools, general

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FROM ABE LINCOLN TO ABBIE HOFFMAN (Northwestern Univ. Press 2002); THE FIRST DUTY: A HISTORY OF THE U.S. DISTRICT COURT FOR OREGON, U.S. DISTRICT COURT OF OREGON HISTORICAL SOCIETY (Carolyn Baun ed., 1993).

16. The parameters of this debate owe much to two defining works of scholarship: ALICE FELT TYLER, FREEDOM'S FERMENT: PHASES OF AMERICAN SOCIAL HISTORY TO 1860 (Univ. of Minnesota Press 1944), and DANIEL BOORSTIN, THE AMERICANS: THE NATIONAL EXPERIENCE (Rosetta Books 1965).

17. A very detailed Holman obituary appears in the IND. ST. SENTINEL, Aug. 31, 1842.

education, and temperance. So consistent and earnest was his life that there seemed no incongruity, but rather a singular harmony in his two offices of judge and minister.<sup>18</sup>

Little wonder that, again in Cathcart's words, "He, like his father, was an emancipationist,"<sup>19</sup> or that his sentencing of a coach driver for mail theft should have the ring of the pulpit about it. Holman was clearly a nineteenth century reformer with a powerful moral emphasis.

But was Holman typical of those who sat on the antebellum federal bench in Indiana? To start to answer that, let's compare him to his predecessor, Benjamin Parke. Born in New Jersey in 1777, and trained in a Lexington, Kentucky, law office, Parke emigrated to Vincennes, Indiana Territory, in the winter of 1800-1801. He became an early and close associate of Governor William Henry Harrison. Parke's progress was quick. He became territorial attorney general in 1801, territorial delegate in 1805, territorial judge in 1808, and militia cavalry captain during the 1811 Tippecanoe campaign. Interestingly, he remained a viable presence even after the Vincennes/ Knox County faction began to lose power to the Whitewater/Jennings faction after 1810. In 1816 Parke was named United States District Judge with accompanying circuit authority.<sup>20</sup>

Parke's eulogist, his close friend Charles Dewey, attributed the Judge's survival and success to Parke's calm and deferential manner.

His decisions, though generally the result of correct, and often of profound learning, clear discrimination, and conclusive reasoning, were yet delivered with so much humility—so much diffidence of his own powers—with so evident an anxiety to do right—in fine, so gentle, courteous, and kind was his whole intercourse with the bar, that at one and the same moment, we yielded our admiration to the judge and our love to the man.<sup>21</sup>

Andrew Cayton, a modern scholar with a special interest in the Vincennes community, sees Parke's accomplishment as a matter of reputation.

Men such as Parke jealously guarded their reputation because they had to. If the charge of hypocrisy or deception stuck, their career was over. In a personal political culture, one's honor, the security that one's word was bond, was the most important currency of all.<sup>22</sup>

If one adds his eight years as an Article IV territorial judge to his nineteen of service as an Article III District judge, it makes Parke the longest serving federal judge of the nineteenth century. It certainly gave him time to define his approach

18. WILLIAM CATHCART, *THE BAPTIST ENCYCLOPEDIA* 535-36 (Louis H. Everts ed., 1883).

19. *Id.* at 535.

20. WILLIAM WOOLLEN, *BIOGRAPHICAL AND HISTORICAL SKETCHES OF EARLY INDIANA* 384-90 (Hammond & Co. 1883).

21. CHARLES DEWEY, *AN EULOGIUM UPON THE LIFE AND CHARACTER OF THE HON. BENJAMIN PARKE* 15 (Bolton & Livingston 1836).

22. CAYTON, *supra* note 14, at 236.

to the bench and community.

In many ways, Parke is a contrast to Holman. Where Holman was a man of organized publicly proclaimed faith, Parke has the look of a privately motivated seeker. Charles Dewey, Parke's frequent traveling companion, put it this way:

[H]e made no public profession of his faith, and entertained towards the intolerance of sectarian feeling an utter abhorrence . . . . Uninfluenced by human authority and the dogmas of teachers, he held himself responsible to his God alone for the exercise of those powers and faculties which he had bestowed upon him, and left others to account for themselves.<sup>23</sup>

William Woollen quoted Parke's friend Barnabas Hobbs, who phrased it thus:

Benjamin Parke was a Christian in the true acception of the term, though he identified himself with no religious denomination . . . . He very often rode out three miles into the country to sit in silence with the Friends at their midweek meetings . . . .<sup>24</sup>

Where Holman was a man of morality, Parke was a man of mentality. Parke's community interests were centered upon secular education and access to the printed word. He was a founder of the Salem Academy for young men, an organizer of the first law library in the state, and a founding member of the Indiana Historical Society. Like the patrician leaders of Knox County with whom he started his career, Parke sought to train and shape leaders for an emerging polity.<sup>25</sup>

Their differing voices on slavery attract us. Where Holman is known for *In re Clark*, Parke left us his 1818 opinion *In re Susan*, which involved a Kentucky slave owner's attempt to recover Susan, "a fugitive from labour [sic]."<sup>26</sup> The case had already been heard in the state courts, which had followed the more complicated procedures for recovery under state law rather than those of its federal counterpart, the 1793 Fugitive Slave Act. Now it came before Parke where Susan's attorney argued those state laws took precedence over federal statute. Parke rejected the argument, after noting it was "the first occasion on which the validity of this law [the Fugitive Slave Act] has been questioned."<sup>27</sup> State recovery laws, he suggested, were an artifact of an era before the Constitution gave power on the issue to Congress.

In the formation of the constitution of the United States, the states parted with this authority, and devolved it upon the general government, and it is a privilege secured to the people of the states, respectively, to seek redress before the tribunals, in the mode designated by congress.<sup>28</sup>

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23. DEWEY, *supra* note 21, at 15.

24. WOOLLEN, *supra* note 20, at 389.

25. A useful Parke obituary appears in the W. SUN & GEN. ADVERTISER (Vincennes), Aug. 8, 1835. See also WOOLLEN, *supra* note 20, at 385-86, 390.

26. 23 F. Cas. 444, 444 (C.C. Ind. 1818).

27. *Id.* at 445.

28. *Id.*



That standard having been met, Susan was returned to Kentucky.

Four other individuals served as district judge in the first five decades of the District Court, and together they allow us to explore further the patterns of justice in their era. These were Elisha Mills Huntington, judge from 1842 to 1862, and the three Civil War judges, Caleb Blood Smith, 1862 to 1864, Albert Smith White, 1864, and David McDonald, 1864 to 1869.

If one wants to be strict about appointments, one could add Charles Dewey, Parke's friend and ultimately his eulogist, who was nominated by President John Tyler and confirmed by the United States Senate in 1842. But Dewey promptly declined the appointment—perhaps because he preferred the higher \$1500 salary he earned as a Justice of the Indiana Supreme Court to the mere \$1000 of a federal district judge.<sup>29</sup>

We know less about the values and ideas that underlay the decisions of the later judges than we do for Parke and Holman. All four built careers incorporating political involvement, but only Caleb Smith is today remembered primarily for his political activities. Their political styles varied.

Elisha Huntington was, like Charles Dewey, appointed by President John Tyler after a cursory review that probably rested upon Huntington's reputation and the approval of the state's two senators.<sup>30</sup> The Judge proved to be a unionist who sought sectional reconciliation and in 1860 privately criticized Lincoln for "his foolish twaddle about Emancipation."<sup>31</sup>

Smith, White, and McDonald were all Lincoln appointees who expressed support for aspects of the Lincoln war effort, although their terms were among the shortest ever served in the Southern District's history.

Caleb Smith was a major player on the Indiana delegation to the 1860 Republican convention, helping to secure Lincoln's nomination, and was of course Secretary of the Interior in the first Lincoln cabinet.<sup>32</sup> Smith left the Cabinet in 1862 after he stated in a letter to Lincoln that he had developed a "functional derangement of the heart." He then sought the vacant judgeship because "The duties of the position are adapted to my tastes and habits and are sufficiently light be performed without inconvenience."<sup>33</sup> Justice David Davis may have been closer to the mark when he suggested Smith was dissatisfied with Lincoln's managerial style.<sup>34</sup>

Albert Smith White was a former Whig Senator from Indiana who returned to Congress as a Republican during Lincoln's first term. In Congress, White

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29. LEANDER MONKS, *COURTS AND LAWYERS OF INDIANA* 199 (1916); EMILY VAN TASSEL, *WHY JUDGES RESIGN: INFLUENCES ON FEDERAL JUDICIAL SERVICE, 1789 to 1992*, at 13 (1993).

30. *Proceedings in the United States Court in Memory of the Late Judge Huntington*, DAILY ST. SENTINEL (Indianapolis), May 11, 1863.

31. Letter from Elisha Huntington (Sept. 9, 1862) (preserved in Huntington Manuscript Collection (bound letters volume), Lilly Library, Indiana University).

32. Smith's obituary appears in the DAILY J. (Indianapolis), Jan. 9, 1864.

33. Letters from Smith to Lincoln (Nov. 12, 1862) (preserved in Library of Congress Presidential Documents Collection, Microfilm Reel No. 43, N. 19514).

34. WILLARD KING, *LINCOLN'S MANAGER: DAVID DAVIS* 204 (Harvard Univ. Press, 1960).

championed many of President Lincoln's early plans, and chaired a committee exploring gradual emancipation and colonization.<sup>35</sup>

David McDonald is remembered primarily for his legal activities—which included serving as a founding professor at the Indiana University Bloomington law school, and writing a text instructing justices of the peace in their duties and procedures. He had sought the appointment since 1862, and succeeded on his third attempt. McDonald kept a candid and detailed diary recording his path to appointment, including an interview with Lincoln, but spoke almost entirely upon party matters and made little mention of the reputation he had gained in his legal activities. Ill health also limited him after 1866.<sup>36</sup>

Their connections to reform varied. Huntington's wife was a champion of genteel feminism who led the women's campaign to thank Robert Dale Owen for his actions advocating women's independent right to property in the 1850 Indiana State Constitutional Convention.<sup>37</sup> Huntington himself was a vigorous critic of abolitionism, as he evinced in one of his 1851 grand jury charges regarding enforcement of the 1850 Fugitive Slave Act:

Evil passions seem to have been let loose, and madness, in some sections of the country, seems to rule the hour . . . .

[T]he raising a body of men to obtain by intimidation the repeal of a law, or to oppose and prevent, by terror, its execution, is levying war against the government . . . .

We must stand by the rights of others as we stand by our own. We must observe the laws and we must enforce their observances where they are resisted—we must keep faith not only with each other, but with the citizens of other States.<sup>38</sup>

None of the three Civil War judges offered strong expressions about reform while on the bench. We could, of course, argue that by maintaining the rule of law in wartime they were forwarding the reform agenda of the Northern government, and Smith is certainly remembered for his actions in trying draft resisters. Ill health denied White any real chance to speak out during his brief eight-month tenure on the bench, and left most of his cases on the docket for his successor. David McDonald is, of course, best remembered because, in his circuit authority, he joined with Supreme Court Justice David Davis, also excising circuit power, to draft the certification that sent *Ex parte Milligan* to the Supreme Court.

The attitudes of these four judges to the sources of inspiration and morality also varied. Huntington probably expressed his attitude best in a letter to his

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35. See obituaries in *INDIANAPOLIS GAZETTE*, Sept. 5, 1864, and *INDIANAPOLIS J.*, Sept. 6, 1864.

36. Flora McDonald Ketcham, *David McDonald*, *IND. MAG. HIST.*, 1932, at 180-87.

37. Thomas James de la Hunt, *Judge Elisha Mills Huntington*, *IND. MAG. HIST.*, 1927, at 120-21.

38. *INDEP. PRESS* (Lawrenceburg), Nov. 29, 1851.

sister Louisa Rudd in 1843 in which he described a day on the bench during the trial of a postmaster of Indianapolis:

one of the three counsel employed by the prisoner is now speaking. For one long hour he has been raving like a Methodist preacher until all the ideas he ever had seem to have escaped. The old clock above my head and the descending sun whose glorious beams now flash from the horizons reddened line through the lofty columns of this beautiful hall, admonish me that night will soon close in and shortly relieved me from this most unconstitutional infliction.<sup>39</sup>

Smith and White, when evaluated by their contemporaries, were often described as orators and former railroad presidents—suggesting, perhaps, a greater respect for enterprise than for inspiration. White, in fact, was the first judge in Indiana to have his remains transported by train—and the only one to have the vibration of a train cause his coffin to collapse.<sup>40</sup> McDonald, on the other hand, brought probably the most unusual extralegal source of inspiration of any jurist who has sat on the Indiana District court. Consider this section of his obituary from the *Richmond Palladium*.

In his later years he gave much thought to the subject of 'Spiritualism,' and was a complete convert to the doctrine of the presence and action of the spirits of the departed in our present visible life. He . . . expressed his entire faith in the spiritual origin of certain phenomena exhibited by the mediums, thus affording another illustration of the truth that the extreme of infidelity is far more apt to change to the extreme of credulity, when it changes at all, than it is to the moderate convictions of a judgment that has never been shaken.<sup>41</sup>

One may judge whether to credit a report in *Indianapolis Journal* that McDonald even communicated with six persons in full daylight the day after his demise by writing a message in his handwriting on a slate.<sup>42</sup>

Three conclusions seem warranted. First, there are ample sources available for the early history of the United States District Court for the Southern District of Indiana—sources that capture both the substance and the personality of that era. Second, there was remarkable diversity among the first six judges of the court, both in the content of their opinions and in the sources of their values and beliefs. But third, the great issues of moral reform that transformed antebellum America were heard by those judges, and the District Court's history is in part a history of its responses to the issues raised in an era of moral reform.

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39. Letter from Huntington to Louisa Rudd (Nov. 30, 1843) (preserved in Huntington Manuscript Collection, Lilly Library, Indiana University).

40. IND. J., Sept. 9, 1864.

41. RICHMOND PALLADIUM, Aug. 31, 1869.

42. INDIANAPOLIS J., Aug. 31, 1869.