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Banta, David D.

T.W. Woollen

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BANTA, DAVID D. Judge Banta is descended on his father's side from a Frisian family that emigrated from Holland to America in 1659, and settled at Harlem, near New Amsterdam, now New York City. On his mother's side, he is descended from a French family, the Des Marests, (now Demarests in the East, and Demarees in the West) that fled from Picardy into Holland during the Hugenot persecutions, and which emigrated to America in 1674, and settled near the present site of Hackensack, in New Jersey. Shortly before the commencement of the war of the Revolution, certain representatives of the New York and New Jersey Dutch and French families set out for the Kentucky wilderness to found a colony, but stopped at Conewago, near Gettysburg, in Pennsylvania, until the war was over, when they resumed the journey, reaching Harrod's Station during the winter of 1779-80, near which place their colony was founded. Jacob Banta, the grandson of one of these emigrants, and Sarah (Demaree) his wife, grand-daughter of another, the father and mother of Judge Banta, moved from Henry county, Ky., to Johnson county, Ind., in the fall of 1832, where they began life in the wilderness. On the 23d of the following May, David was born. Jacob Banta was over six feet tall, well proportioned and possessed of great physical strength and vigor. In the western part of Johnson county, in the locality where Jacob Banta settled, there were several families of Presbyterians, and being zealous church members, they formed a society, built a house of worship, and called it "Shiloh." This gave the name to the neighborhood, and although the little "Shiloh" building has no pastor now, the neighborhood still retains its name, and its people still cherish the recollection of its founders. Not only did these persons establish their church for the cultivation of their spiritual welfare, but the school house was also built that their children might obtain the education necessary to make them useful men and women. Soon after the death of Jacob Banta, the widow was joined by her mother and a maiden sister, and all remained on the farm, where the subject of this sketch grew up. He witnessed the change from an almost primeval forest to the clearing up of the country into numerous splendid farms, and in this magic change, being a healthy, vigorous boy, he actively participated. When not in school he was laboring on the farm. He belonged to the first crop of school children of the Shiloh settlement, and was the first scholar to reach the little log school house on the first day of the first school in the neighborhood; and thence on until nearly grown he attended every term. The country, neither here nor elsewhere in Indiana, afforded very great opportunities for reading in those days. Books were scarce, and a man could have carried all there were in Shiloh neighborhood in a bushel-basket, save the bibles, hymn books and school books. Young Banta knew of every book accessible and borrowed and read every one that it was possible for a vigorous, healthy boy to read - read all except the books of sermons and some of the more highly wrought devotional ones; and he even ranged beyond his neighborhood in search of reading matter. After closing his school days at the country
schools, in his eighteenth year, he taught school a while in his native county, but only for a term or two, and the next year, impelled by a boyish desire to see something of the world, in company with a kinsman of his own age, he went to the then new State of Iowa, where he spent several months in cutting cord wood, working in a saw-mill and tramping through some of the more sparsely settled counties of the State. On the fall of the first winter snow he entered a law office in the town of Fairfield and began reading Blackstone. The time spent in this office, he says, "was not wholly wasted. It fixed me in my determination to make the study of the law a serious business, and it opened my eyes to the fact that I needed further preparation for it." So, early in the following spring (1853) he returned to Indiana and became a student in the Franklin College, where he remained till fall, and then went to Bloomington and entered the State University; and maintained his student connection with it until the spring of 1857, during which time he earned his academic and his law degrees, the latter under the instruction of Judge James Hughes. In the fall of the same year, he returned to Franklin, and at once began the practice. Previous to this, however, in 1856, while yet connected with the University, he was married to Mrs. M. E. Perrin, daughter of the late James Riddle, Esq., of Covington, Ky. Three children have been born to this marriage—two sons and a daughter, all of whom are living. For some time before the beginning of the civil war the profession of the law was very discouraging to the young man about to enter upon the attempt to get business. Getting into practice was slow work; the more so as the country was greatly agitated with political controversies that eventually culminated in the beginning of the hostilities between the two sections. This left Judge Banta with abundant opportunities to read and he availed himself of it. The law was his mistress, but nevertheless he found time to collect the material for a local history, which has subsequently been written and published, and during the waiting he did a good deal of gratuitous newspaper writing. To keep the pot boiling, he had charge of the Recorder's office for nearly two years, the law at that time not forbidding practicing attorneys from serving as deputies for county officers. During these waiting years, he served a term as District Attorney of the Common Pleas Court, an office, which if not prolific in fees, was in experience. He was also Division Assessor in the United States Revenue Department for about two years, an office that paid in both experience and money. He held the office of School Examiner for the county and Trustee for the city schools at one time or another. He had friends—friends zealous for his success—during these waiting years, as most other young lawyers have. At a term of court about the time he began to get something like his share of the business, he noticed that the luck was with him in the matter of verdicts. Meeting one of the regular jurors on the court-house steps one day toward the close of the term, the juror, after looking furtively around to see that no one was in hearing, said: "Stand up to those old lawyers, Davy; stand up to 'em! The jury is standing up to you." And it seemed that it was. During the first half of the war, the courts of Johnson county
were comparatively idle, but toward the close, business began to revive and
the battle for the waiting young lawyer was won. Thence on, there was no
lack of cases. The fifteen or twenty years after the close of the war were the
lawyer's flush times in Indiana; money was plenty, dockets were crowded
and lawyers were generally driven by work. In 1870, he was a candidate on
the Democratic ticket for Judge of the Twenty-eighth Circuit, composed of
Johnson, Shelby, Bartholomew and Brown counties, and was elected without
opposition. Two years after, on the abolishing of the Court of Common
Pleas, the Circuit became the Sixteenth and was cut down to two counties,
Johnson and Shelby. In 1871 he had a virulent attack of fever which left
him with shattered health and a broken-down, nervous system. There were
many months during which it was a serious question with the doctors whether
he would pull through or not. On the advice of his physician, he ultimately
got to the pine woods of Michigan, where he spent several weeks camping,
and thus his health was restored. He has never failed to take a yearly outing
since to keep it restored. On retiring from the bench in 1876, he began the
practice in partnership with the Hon. Thomas W. Woollen, and continued in
it with him up to the fall of 1889, when he withdrew to enter upon his duties
as Dean of the Indiana University Law School. In 1877, shortly after his
term as Judge expired, he was appointed a member of the University Board of
Trustees, a position he held for eleven years, seven of which he was President
of the Board. In 1889, the Law School of the University which had been
suspended since 1877, was revived, and he was appointed Professor of Law
and Dean of the School. This necessitated the abandonment of the practice
and ultimately compelled the removal of himself and family to Bloomington.
He is still in charge of the Law Department. He has made the law, as law-
ner, Judge and teacher, the main pursuit of his life. Nevertheless, he has
always kept in sight some one or more incidental vocations or pursuits. He
has been a student of good literature as well as of law, and has written much
for the newspapers and some for the magazines, chiefly on local, historical
and on out-of-doors subjects. He gets recreation out of doors, hunting, fish-
ing, tramping and camping. His associates outside of his family are gener-
ally men younger than himself. He never shoots, fishes, camps or tramps
with one older or even as old as himself. Whatever of success he has met
with in any way, he owes to hard work and the Dutch gift of "hanging on." In
1888, the faculty of Franklin College honored him with the degree of
L.L. D., for which mark of appreciation he was not insensible. In his religious
faith, he is a Presbyterian; in political, Democratic. He has always liked
teaching—likes it today better than he ever did the practice. "If I have any
knack at it, 'he says,' it lies in being able to interest my students and thus
securing from them their best work." Judge Banta's mind is eminently
logical. No argument impresses him unless it will bear the closest inspec-
tion, and is found to be based upon a firm foundation. Glittering generalities
and mere tricks of rhetoric have but little influence with him, but solid truths,
founded upon logical reasons, command his attention and respect. The
characteristics of his mind are rather substantial than brilliant. He comes to his conclusions by reasoning rather from principles than authority. While he searches for authorities with great patience and perseverance he is never satisfied unless he can reconcile them with the underlying principles involved. His social qualities are of the first order. To those who know him best he is greatly prized for his entertaining conversation and his steady friendships. Being a close observer of whatever passes around him, he sees a great many things that most people would not notice, and his relation of them in his conversation becomes extremely interesting. His experience in his many outings, handled in his pleasing manner, furnish material for the edification of his friends in many a social gathering. In closing this brief sketch, the writer may add that Judge Banta’s life so far has been a well rounded one. He is a type of many who, beginning life amidst the pioneer surroundings of the early days of our State, with few advantages of education or influential friends, surmounted all difficulties, and carved out for himself a reputation for integrity, ability and culture. In his profession at the bar, he stood along side of the first; in his work as teacher of the law he sustains himself as worthy to be at the head of the State’s law school. The young law student of to day will have no such difficulties to surmount as environed the subject of our sketch; but few, we apprehend, will attain a greater degree of success. Whatever may be in store in the future for him we may not know, but whatever shall happen, it will not be said of him that he passed through life without leaving his impress on the times in which he lived.

OYLER, JUDGE SAMUEL P., is a native of England, he having been born August 26th, 1819, at Hawkhurst, in Sussex county, in that Kingdom, and is the second son of Samuel and Sophia (Rabson) Oyler. His early life was passed in the city of London. In 1834, he emigrated to the United States and settled at Rochester, in the State of New York; here he continued his studies and education, and although he never enjoyed the benefits of a college course of study, he has by his studious habits, filled out an education well begun upon the foundation laid in the best schools, and advantages of his early youth; so that by close and arduous study, a varied and extensive reading, at his majority in 1840, he was fully equipped for the battle of life, and to make some pretentions to what “Bacon” styles “a full man.” In 1841, taking the advice of Horace Greeley, he moved West, and settled in Tippecanoe county, Ind., “to grow up with the country,” where he diversified his labors upon the farm by the study of Theology and united himself with the Universalist Church, was duly licensed to preach in that denomination; a calling well followed by him for eight years, preaching to good acceptance in the States of Ohio, Indiana, Illinois and Kentucky. In the later years of which he made an earnest and diligent study of the law, and in 1850, he removed to Franklin, Johnson county, Ind., and entered the