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1940

College Men and College Life About 1850

James Albert Woodburn

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Recommended Citation

Woodburn, James Albert, "College Men and College Life About 1850" (1940). *David Banta (1889-1896)*. 15.

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INDIANA UNIVERSITY
Maurer School of Law
Bloomington

CHAPTER VII

COLLEGE MEN AND COLLEGE LIFE ABOUT 1850¹

David D. Banta—some of his classmates—John W. Foster—members of 1853—program for 1852 commencement—class of 1850—commencement exercises—Obadiah Jennings Wise—Wise's commencement address in blank verse—public speaking and "publics"—Evans-Read rencounter—Theodore Read's military service.

“THE WORKMAN dies but the work goes on.” The wood carver of Siena may never see the completion of his task, but with the love and skill of the artist and with the image of a great creation in mind he toils on faithfully and slowly in the assurance that his sons and his sons' sons will give their hands to the labor of love which he himself must leave unfinished. It is thus the cathedral rises with its monuments and memorials of beauty to adorn the city and to bless posterity.

It is in some such spirit of devotion to a common cause that I am constrained to approach and attempt to continue an unfinished task that an original master workman has been compelled to lay down. In undertaking to follow Judge Banta in telling the story of the University's past, I know full well that I cannot hope by any effort that I may put forth to imitate or to rival the work of his pen.

It will always be a matter of deep regret to the children of our Alma Mater that Judge Banta did not live to advance still farther—we could hardly hope that he might have completed—the history upon which he made such a splendid beginning. He had a deep personal interest in the life of the University and he had close personal knowledge of that life during a period of nearly fifty years. He had an innate love for local history. He had a *historic scent* which gave him facility in running down the sources, and he could reveal his discoveries with a keen and intelligent interpretative power. His mind for local history was like that of Lincoln and Marshall for the law—it had a

¹ Chapters VII–XIV were published in the *Indiana University Alumni Quarterly*, 1915–1917, under the title, “Sketches from the University's History.” James A. Woodburn here took up the history which David D. Banta had brought down to 1850.

natural bent. His love for browsing among old papers, records, letters, documents, and other historical sources was a passion in his life; he had a fondness for such occupation like the love of the youth for an absorbing game. To him it was pure recreation, akin to that in which he was accustomed to indulge himself around the campfire in the woods. And with all this he had a fine literary faculty for putting on paper and presenting to a popular audience the interesting and valuable things that came to him from his searchings. We have all been made Judge Banta's lasting debtors by the work that he has done. He will always deserve to be remembered as the historian of the early days of the University.

In the six articles published in the *Indiana University Alumni Quarterly*² the history of the University has been brought down to a time within the memory of men still living [in 1915], to a time of which Judge Banta could have written from his own personal recollections. His last chapter closed with a consideration of the University as its cause appeared in the constitutional convention of 1850-1851, a phase of our University history with which I shall have occasion to deal more fully in a subsequent chapter. In this chapter I shall write of college men and college life in the years immediately before and after this important landmark. Very soon after this time—perhaps within a year—Judge Banta came as a young boy from Johnson county and Franklin College, to receive further training and education in the University of the state.

Since I am to write of the typical college boys of that early day, and especially of the "boys" who afterwards became distinguished men, it seems fitting and proper that further notice should be given to the early life of David Demaree Banta. It is a life that well represents the times of that period, and illustrates the hard struggle that fell to the lot of many an ambitious youth in those years in his effort to obtain an education. It is a story of a stout heart and of a manly determination that overcame difficulties.

Judge Banta's father died at twenty-two—it may be of the prevalent "milk-sickness" or ague of which mention has been made in Judge Banta's chapters—in the backwoods of Shiloh neighborhood of Johnson county, Indiana, while his boy was but a babe of two years.

²These articles constitute Chapters I-VI of this book.

The mother married again, and with the second husband moved to near Fairfield, Iowa. Young Banta was taken along; he received a common school education and during a good part of his youth he worked as a farm hand. One evening at dusk, when he was wending his weary way to his mother's home with his ax over his shoulder, after cutting wood all day in the chill and slop and slushy snow of an early spring, a depression of spirit came upon him as he thought of spending his life as a man-of-all-work upon the farm. A desire and determination came upon him to be a lawyer.

To resolve was to act, and he went to Fairfield and began to read law in a lawyer's office, as the custom was among young law students in those days. He was given Blackstone's *Commentaries* to read, and he fell upon that classic text with eagerness and fury. After a few days the old lawyer, who had been watching him closely, said, "Now, young man, let us see what you have learned of all this." An examination followed, and young Banta was put to confusion by finding that hardly a thing of what he had read had stuck in his mind. He then clearly recognized the need of an intellectual foundation; that he must train his mind to clear thinking and understanding before he could grasp and apply the law.

He resolved to return to his Indiana home and go to college. The fact that the only way for him to get there was to walk did not deter him. He tramped all the long way from Fairfield, Iowa, across the state of Illinois, to Peru, Indiana, where he found his first railroad train. There he boarded the cars for Franklin, where he prepared for college and took a part of his college course. He came to Bloomington in the fall of 1853³ and graduated with the bachelor of science degree in 1855. In 1857, he received the LL.B. degree from our Law School. As a means of paying his way he gave singing lessons during his college days, and it appears that while he was pursuing his law studies he was principal of the Monroe County Female Seminary. He removed to Franklin, Indiana, where, while practicing law, he was for a time editor of the *Franklin Democratic Herald*, a local organ of the

³Professor T. A. Wylie in the sketch of Judge Banta, contained in his *Indiana University, Its History from 1820, When Founded, to 1890*, does not mention the year of Judge Banta's coming to Bloomington. His son, George Banta, thinks it was in 1852. W. B. Palmer in his *History of the Phi Delta Theta Fraternity* on page 130 says: "D. D. Banta entered Indiana University in the fall of 1853." It is known that Judge Banta furnished Palmer information on the Phi Delta Theta chapter in Indiana, and 1853 may be the correct date.

Democratic party. He was deeply interested in education and was county school examiner from 1866 to 1870, and trustee of the Franklin schools from 1868 to 1870. He was elected judge of the local circuit court and served from 1870 to 1876. He was a trustee of Indiana University from 1877 to 1889, and was president of the board from 1882 to 1889, when he resigned and became dean of the revived University Law School, a position which he held until his death in 1896.

It was in this period of his life that he made his contributions to our University history. He always had a deep interest in local history, and he was the author of *A History of Johnson County*, *The History of the Presbyterian Church of Franklin*, *Making a Neighborhood*, and of numerous papers and sketches relating to local history and out-of-door subjects published from time to time in newspapers and magazines. It seems fitting as we are leaving Judge Banta's writing to give this record of his life and to recognize this life as a part of the history of the University and of its leading men.

Among Judge Banta's classmates in 1855 were such successful men as Melville C. Hester, William C. L. Taylor, and Robert I. Morrison. But there were two of the boys who, like Banta himself, rose to special prominence in life. One of these was Robert R. Hitt, at graduation a youth of twenty-one, born in Urbana, Ohio, who came to college to DePauw (then Asbury) from his home in Ogle county, Illinois, but who transferred his affections and attendance from DePauw to Indiana near the end of his college course.

This transfer of his college allegiance at the near approach of his graduation came about in this wise: Melville C. Hester, a fellow-senior at Asbury and a fellow-member of the Beta fraternity, was not accorded the first honor of his class, to which, as he and his friends claimed, his grades entitled him. Pat McNutt, to whom the faculty had assigned the first honor, which entitled him to be the class valedictorian on commencement day, had been in Asbury full six years, while Hester, whose grades were higher, had been there only three years. So, President Curry and the faculty thought best to assign Hester the second honor of class salutatorian. Hester would not stand for this, and when he was informed by President Curry that the Asbury faculty had finally decided that he should take the place assigned or none at all, he replied, "Very well, it will be none at all."