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JAMES NOBLE.

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JAMES NOBLE was born in Battletown, Virginia, about 1790. Near the close of the eighteenth century, his father, Thomas T. Noble, moved with his family to Kentucky, where he lived the life of a pioneer. James grew up used to hard work and became self-reliant. He was but seventeen years old when he married, taking for his bride Mary Lindsay, a Kentucky belle. Soon afterward he entered the law office of Mr. Southgate as a student.

After being admitted to the bar, he moved to Brookville, Indiana, where he began the practice of law, soon winning a reputation for himself. Southeastern Indiana at that time was thinly settled. The towns and villages were filled with Indians who visited the settlements to trade their furs and game to the white people. The settlers were bold, hardy, reckless, and so committed many crimes calling for the action of the courts. Young lawyers were the most important persons in the country. People would go hundreds of miles to attend court to hear the lawyers plead a case.

The courthouses were frame or log buildings containing two rooms, one occupied by the court and the other by the grand jury. The courtroom was furnished very simply. At one end was a platform elevated about three feet for the judges, with a bench for them to sit on. The lawyers had benches near the table of the clerk. The crowd was kept back by a long pole stretched across the room.

Noble had as contemporaries many well-known lawyers, among whom were James B. Ray, later Governor; John T. McKinney, O. H. Smith, later United States Senator; Amos Lane and John

Test. Some of these men knew more law than Noble, but none of them could equal him in making a stump speech or addressing a jury. He had a very strong voice so that people within several squares of the courthouse could tell when he was speaking. It was said that no juror ever needed an ear trumpet when he was addressing the gentlemen of the jury.

General Noble was appointed prosecuting attorney of Wayne and Franklin counties, December 14, 1810. On April 25, 1815, Governor Posey commissioned him circuit judge for the Third Judicial Circuit, in place of Elijah Sparks, who had died. This circuit included the Whitewater country, extending from Jefferson county north to Michigan and from the Ohio line west to the White river. It was an extensive circuit for a man to ride in those days of poor roads and forest trails, and while performing his duties, Noble rode his beautiful white horse, "Wrangler," for which he paid sixty dollars—which was deemed a high sum for an animal in those days. Oliver H. Smith, in his "Early Indiana Trials and Sketches," gives accounts of many cases in which Noble figured. An important case was one tried early in the Franklin circuit court. Action had been brought against the defendant for cutting a bee-tree and carrying away a swarm of bees. The lawyer for the plaintiff was John Mattocks, Jr., a graduate of Yale. He knew Greek and Latin and was well acquainted with Coke and Blackstone. The lawyer for the defendant, General Noble, who, as Smith says, had been raised in the backwoods, educated in the winter time at night in a little ten by fifteen log schoolhouse in Kentucky, was armed only with a large amount of common sense. Mattocks took all day for his argument, reading cases and decisions from a host of English law books, which he had with him, much to the disgust of the court, who understood little of what he was saying. The next morning, Noble began for the defense in what was said to have been one of the most conclusive speeches ever made in that courthouse. He did not answer Mattock's arguments, but simply rose and read an extract from the Declaration of Independence, which declares that the colonies were absolved from allegiance to the British crown and that all political connections with it were destroyed.

The court immediately gave his opinion to the effect that Noble's speech was conclusive evidence that the British authorities had been cut off the day the Declaration of Independence was signed and he therefore gave judgment for the defendant.

A famous case in which Noble figured was the trial of four white men for the murder of a party of friendly Seneca Indians at Fall creek in the spring of 1824. Noble was, at that time, Senator and was appointed by the Secretary of War to prosecute with power to fee an assistant. He chose Phillips Sweetzer, his son-in-law, a young lawyer of promise. At the trial of Hudson, one of the accused, the lawyers for the defense pleaded the cruelty of the Indians and the massacres they had perpetrated. Noble closed for the State in a forcible speech, appealing to justice and patriotism and the fact that the safety of the settlers depended on a conviction. His speech had a noticeable effect on the crowd and the jury. Hudson was convicted and executed. This is the first case on record in America where a white man was hanged for killing an Indian.

By his own efforts Noble soon made himself a prominent leader in politics. Smith says that when he came to Indiana in 1817 he found politics in the hands of a party headed by Noble, Jonathan Jennings and William Hendricks. All three were in the Constitutional Convention at Corydon, June 10-29, 1816. Noble was a delegate from Franklin county. Jennings, a delegate from Clark county, was elected president and Hendricks was the secretary. Noble was appointed chairman of the committee on the legislative department and was also a member of the judiciary committee.

These three men agreed to aid each other in making Noble United States Senator, Jennings Governor and Hendricks Congressman. There were to be three judges appointed for the Supreme Court. Noble selected Jesse L. Holman, of Aurora; Jennings chose John Johnson, of Vincennes, and Hendricks chose James Scott, of Clark county.

When the work of the convention was over, Noble returned to Brookville to the practice of law. In August he was elected a member of the first Legislature, which met at Corydon November 4, 1816. Other members of this Legislature were Amos Lane,

Lawrenceburg; John Dumont, Vevay; Davis Floyd, Jeffersonville; Ratliff Boone, Gibson county; Isaac Blackford, Corydon, the latter being elected Speaker of the House.

The two houses met in joint session November 7, and declared Jennings elected Governor. The next day, by joint vote, they chose James Noble and Waller Taylor Senators. Noble received 26 votes, Taylor 20, James Scott 16, Jesse L. Holman 3, Ezra Ferris 2, Davis Floyd 2, Walter Wilson 1, and Elias McNamee 1. Hendricks had already been elected to Congress. So, in four days from the time Noble took his seat in the Legislature, he was elected Senator.

The second session of the fourteenth Congress began December 2, 1816. The credentials of Noble and Taylor were referred to a committee to consider and to inquire what legislative measures were necessary to admit Indiana into the Union. Nine days later Indiana was formally admitted and the next day the oath was administered and the Senators took their seats.

The Senate proceeded to ascertain in what classes the Senators from Indiana should serve according to the resolution of May 14, 1789. The Secretary was ordered to roll up three papers of equal size, numbered 1, 2, 3, to be drawn from the ballot box by the Senators. Number 1, if drawn, entitled the holder to serve until March 3, 1817; number 2, until March 3, 1819; number 3, until March 3, 1821. Noble drew number 3, so his term was to expire March 3, 1821.

His second election took place in the State Legislature December 6, 1820, Noble receiving 20 votes, Jesse L. Holman 13 and Davis Floyd 4. The third election was December 12, 1826. On the fourth ballot, Noble received 40 votes, Isaac Blackford 28 and Jennings 10. Thus he served continuously in the Senate from 1816 until his death in 1831.

In his journeys to and from Washington, Noble always traveled on horseback. Smith tells of the journey he made with him in 1827, when Noble was going back to his work in the Senate. Smith had just been elected to the House. They started in the middle of November, riding good walking horses. There were no railroads then. Stage coaches had become the fashion; riding

horseback was going out of date, but Noble would never hear of going in a stage. He always stuck to the old way. It took the two men seventeen days for the journey which is now made in seventeen hours, at the end of which time they arrived at the Indian Queen Hotel at Washington kept by Jesse Brown.

An interesting incident occurred on the way. They had stopped one morning at the top of the Allegheny to breakfast when a stage coach drove up to the door. Smith, seeing Governor Jennings in the back seat, and knowing that he and Noble were enemies, not having spoken to one another for years, decided to play a joke on the Senator. He called to Noble to come out as there was a friend there who wanted to see him. Noble rushed out, opened the door of the coach, and there beheld Governor Jennings, the only passenger. There was nothing for him to do but say "Good morning" and shake hands. After that the two were always friends.

On first taking his seat in the Senate, Noble was appointed with Senator Taylor on the committee on public lands. In 1817, at the opening of the first session of the fifteenth Congress, he was placed on the militia and pensions committees. He served on these two committees also during the second session. At the first session of the sixteenth Congress he was made chairman of the committee on militia and at the second session was also made chairman of the committee on pensions. For the next two sessions, he served as chairman on these two committees.

When Noble entered the Senate, the great question of the day, especially to people in the West, was that of internal improvements. He took a decided stand in favor of a liberal policy. In 1817 Calhoun brought in his bill which provided that the bonus to be paid by the United States Bank to the Government for its charter and the net annual proceeds received by the Government upon its shares in the bank should be set aside as a permanent fund for internal improvements. Noble voted for this measure, which was vetoed by Madison on the ground that it was unconstitutional. During all the debates Noble held that the Constitution warranted internal improvements at the Government's

expense. He spoke in the Senate December 15, 1824, on a resolution to appoint a committee on roads and canals, opposing Senator John Chandler, of Maine, who thought this would be unconstitutional, and saying he would vote for the resolution as he thought it would aid in the general prosperity of the country. Two years later, May 15, 1826, in a debate on the Dismal Swamp Canal, he expressed the opinion that internal improvements ought at all times to be promoted by the Government when this could be done without becoming burdensome to the people.

By 1818, the Cumberland road had been built as far as Wheeling. On February 17, 1820, Noble presented a resolution from the Legislature of Indiana asking for the continuation of this road from Wheeling to the Mississippi. This was referred, along with similar memorials from Illinois and Ohio, to the committee on roads and canals. This committee reported a bill to authorize the appointment of commissioners to lay out a road from Wheeling, through Ohio, Indiana and Illinois, to the Mississippi and appropriated \$10,000. This bill was passed May 15, 1820. An act was passed March 3, 1825, appropriating \$150,000 to open and make the road in Ohio from Canton to Zanesville.

Noble was very much interested in this work. On March 20, 1826, speaking on a bill to appropriate \$110,000 for this road, he said the whole interest of the country would be destroyed if the road was discontinued. It was needed, he insisted, to bind the interests of the Western States and Missouri with the East. This bill was passed five days later.

In the same year, May 8, 1826, he brought in a bill providing that as soon as the route was surveyed in Indiana, a road eighty feet wide should be opened. The bill appropriated \$50,000 for this work. He said this road would make lands in Indiana more valuable. The Government owned land in many counties through which the road would pass. When it was finished all lands bordering on it would soon be sold to actual settlers. He claimed the appropriation as a right because Congress had pledged two per cent. of the proceeds arising from the sale of public lands in the Western States for making roads leading to those States. This bill was not passed.

February 27, 1827, Noble spoke on a bill to appropriate \$170,000 to complete the Cumberland road from Canton to Zanesville, and to continue and complete the survey from Zanesville to the seat of government in Missouri. He was indignant because many Senators were willing to stop work on the road, now that it was built through Pennsylvania and Virginia to Ohio. He claimed that it was unfair to the West, since it had helped to build the road thus far and was now to be left to struggle through the swamps and morasses. This bill was passed March 2, 1827, as a rider to the military appropriation bill.

The next year, in the debate on the bill to appropriate \$175,000 to complete the road to Zanesville, he again urged the compact made by Congress with the Western States. He said constitutional difficulties were now being brought forward, but that Jefferson had begun the road and he was no violator of the Constitution. He showed how the Western States had been struggling for years in the forests, extending the country's dominions and guarding the frontiers against savages. He ended by saying: "You may make us wade in the mud and swim our rivers and creeks by refusing to aid us in making roads and canals, but you cannot keep down the enterprise of our citizens."

Thus it may be seen that Noble on all occasions favored the building of roads and canals. He was interested in everything that would help in the development of the West, especially of Indiana. His attitude toward the building of the Cumberland road made him popular, not so much because the people wanted a means of travel, as that it gave employment for so many men. Farmers who lived on the route, engaged in the work, receiving good pay for their labor and the use of their teams. Thus at the very beginning the road was a benefit to the country.

Another subject of great importance in Congress during Noble's time was that of the public lands. An act had been passed May 10, 1800, regarding all lands in the Northwest Territory, providing that they should be sold at \$2 an acre. A fee of \$6 for every section and \$3 for every half section was to be charged for surveying expenses. One-twentieth of the purchase money was to be deposited, to be forfeited if within forty days the pur-

chase money, including the one-twentieth, was not paid. One-fourth of the purchase money was to be paid within forty days after the sale and the rest in yearly installments. The sixth condition of the fifth section of the act provided that if the land was not completely paid for within a year after the date fixed for the last payment, the land was to be sold at public sale. This clause caused the people a great deal of distress, especially those who did not have the money to pay cash.

An act was passed April 15, 1806, to suspend until October 1, 1806, the sale or forfeiture of lands for failure in completing the payments. April 18, 1818, an act was passed to suspend the forfeiture until March 31, 1819; an act of March 3, 1819, continued the suspension until March 31, 1820. December 21, 1819, Noble submitted a motion regarding the continuance of the suspension until March 31, 1822. The bill which was passed March 30, 1820, extended the time only until March 31, 1822.

When Noble first entered the Senate, on December 31, 1816, he moved that the committee on public lands be instructed to inquire into the expediency of dividing a certain proportion of quarter sections of land. A bill was brought in and passed February 21, 1817, providing that after September 1, 1817, the sections numbered 2, 5, 20, 23, 30 and 33 in each township should be offered for sale in quarter sections or half-quarter sections, according to the desire of the purchaser.

December 21, 1818, Noble submitted the resolution regarding the location of the lands for the capital of Indiana, in accordance with the location chosen by the committee appointed for that purpose. A bill was brought in and passed March 3, 1819, providing that instead of four sections, any contiguous quarter sections, fractions or parts of sections could be located under the direction of the Legislature.

To relieve the distress of the purchasers of public lands, it was thought best to change the land sale system. In 1820 a bill was brought into the Senate reducing the price of lands from \$2 to \$1.25 an acre, requiring cash payment. Lands sold at public sale were to be sold in half quarter sections after July 1, 1820; those sold at private sale were to be offered in entire half, quarter or half quarter sections.

Noble opposed this bill. He did not think sales should be made for cash as this made it easy for monopolists and speculators to purchase the best lands and afterward sell them at exorbitant prices. This bill was passed April 24, 1820. It proved to be an unwise measure, as its immediate effect was to reduce the price of lands already purchased and owned by individuals.

November 30, 1820, Noble asked that the committee on public lands inquire into the expediency of allowing those who had purchased public lands before July 1, 1820, who had paid the first, second and third installments, to demand and receive patents. A bill was reported by this committee and passed March 2, 1821, providing for the relief of purchasers; lands purchased before July 1, 1820, and not wholly paid for, might be relinquished by the legal holder of the certificate filing notice in writing with the registrar of the land office. Sums paid on account of the part relinquished were to be applied to discharge the debt due on lands not relinquished. Other acts were passed in 1822, 1823 and 1824 providing for the relief of purchasers.

Many resented the fact that the public lands within the new States were owned by the Government. In 1829 Senator Hendricks, Noble's Indiana colleague at this time, presented a resolution of the Legislature of Indiana, praying that the public lands should be ceded to the State. Noble opposed this. He could not, he said, consistently with his principles, obey the Legislature and would not, even if removed from office. He thought it would be injurious to the prosperity of the new States if Congress should relinquish the lands in them. It was unjust to deprive the old States of their share in the public lands, as they had protected the new settlements which had thus grown in population and strength. This was exactly the opposite of the attitude which Hendricks took.

A bill to grant pre-emption rights to settlers on public lands came up in the Senate and was passed May 29, 1830. In the debate, Senator Bell, of New Hampshire, said it would be better to leave the lands to a general scramble. Noble was very indignant. He made a plea for the men who had risked their lives in settling these lands and who were now to be asked to buy them in competition with others.

The great debate on public lands, which began January 13, 1830, was on Foote's resolution to stop the survey of public lands, limit the sale of lands and abolish all offices of surveyors general. Senator Noble opposed this resolution. He thought, as did Benton, that it showed the hostility of the East to the West and a desire to check emigration.

Noble was interested in establishing a land office in eastern Indiana. Owing to his efforts a land office was established at Brookville, March 3, 1819. His brother was appointed receiver. In 1822 he brought in a bill to establish an additional land office at Fort Wayne. This bill was passed May 8, 1822.

Noble moved a resolution in the Senate February 11, 1823, regarding the sale of the Indian reservation in Indiana at the mouth of Racoon creek. This tract had been reserved to the Weas by the second article of the treaty at St. Mary's October 2, 1818, and was ceded to the United States by a treaty held at Vincennes August 11, 1820. Noble, speaking on this resolution, mentioned the fact that this reservation included the center of Parke county. The people, he said, wanted the tract sold so they could fix their county seat. A bill was passed March 3, 1823, attaching this reservation to the Terre Haute district for the sale of lands.

February 2, 1826, Noble moved to appropriate \$50,000 to extinguish the Indian title to lands in Indiana. He advocated the buying of these lands on the ground that it would promote commerce, giving citizens who before had been confined to the margin of the Wabash, an outlet through Lake Michigan and the straits at Detroit to Lake Erie. An act was passed May 20, 1826, appropriating \$15,000 for treaties with any tribes claiming lands in Indiana.

Noble's position in regard to the navy is shown in a speech made February 15, 1827, on a bill for the gradual improvement of the navy, in which he said he was glad statesmen had come back to the "good old John Adams system of defense." He was glad to see men of intelligence come out for the support of the Navy, which, he thought, was the "right arm of the country." The next year he opposed a motion to abolish the office of major general, saying he had formerly been opposed to a standing army, but had changed his views.

Noble defended the Congressional caucus in a speech made March 18, 1824. King, of New York, had criticized the caucus and Noble replied to him. He had attended the caucus that year with only a minority of his party members of Congress and thought it was all right to do so. This seems to indicate that he was a Crawford man. The object of the caucus was to produce union on one candidate, but it was controlled by friends of Crawford. It did not infringe on the vote of any citizen of the United States. This was said to have been one of the most unpleasant discussions held in the Senate for some time. The Senate was forced to adjourn in order to end what was a heated and unseemly quarrel.

Noble supported the tariff of 1824 and the "tariff of abominations" of 1828. He wanted to afford every protection to the manufacturer. In this respect he was a follower of Adams and Clay and if he had lived would undoubtedly have been a Whig. He appeared to stand in all respects for the "American System" with which Adams and Clay were connected.

Noble was a warm friend of Adams and defended him on several occasions, saying that Adams had seemed to offend less against the Constitution than any other man. He attacked Jackson and his attitude toward the bank. February 22, 1830, during the debate on Foote's resolution, he declared that the United States Bank had established sound currency. He criticized Jackson for declaring the bank unconstitutional, saying that in this he had interfered with the judiciary. He called him self-seeking and expressed it as his opinion that he wanted the bank established under his own control. "Farewell to State's rights," he exclaimed, "when the day comes that the National Bank is established under the arm of a tyrant. Farewell to religious and civil liberties when crowned with a king and consolidated government."

When the First Bank of Indiana at Vincennes failed in 1821, Noble was sent by Secretary of the Treasury Crawford to settle the difficulty between this bank and the United States. This he did to the satisfaction of every one.

Among other things, Noble was interested in the establishment

of postroads in Indiana. At that time the mail was carried on horseback by a man who made the trip once or twice a week. The first year Noble was in the Senate he succeeded in getting a new route established in the Whitewater country, from Hamilton in Ohio, via Brookville, Indiana, up to the west fork of the Whitewater by Connersville to Waterloo, then to Salisbury, Fairfield and Brookville. This business received more and more of his attention as the country settled up.

On several occasions Noble showed an aversion to anything undemocratic. February 28, 1828, he voted against a resolution to wear mourning for the death of General Jacob Brown, commanding general of the army, who won honors in the War of 1812. He said he did not want to establish this precedent. This homage to military men made us too much like a despotic government. He also spoke, March 27, 1828, against a bill for the relief of the wife of General Brown on the ground that he objected to such distinctions. The military fever was everywhere and if continued, the Government would become a tyranny like Athens. He thought the wives of officers ought to be treated as no better than the wives of common soldiers. Besides, he was for economy

This tendency to economy, which may to us seem like parsimony, is shown in his speech on a bill to purchase the portrait of Washington, by Peale. He opposed this as an extravagance, saying the people would get no good from it and that it would be better to publish the deeds of Washington and make them known to the rising generation.

It must be said of Senator Noble that in all his career in the Senate he was very outspoken and did not hesitate to say what he thought, no matter what others said. This characteristic is shown in a speech January 11, 1828, when he opposed the bill to abolish imprisonment for debt, observing that he would oppose this bill even if he stood alone. He had been abused by the public press for opposing this bill, but he would do his duty. Replying to Colonel R. M. Johnson, of Kentucky, who wanted to get the bill passed because it was his hobby: "Thank God," he said, "he had no hobbies. He stuck to the people."

Noble's outspoken ways often got him into altercations with

other Senators. In this respect he was very different from Senator Hendricks, who was so diplomatic that he never offended any one. An instance occurred in 1828, when Noble gave offense to Johnson of Kentucky by speaking of "long-winded Senators." Noble was accused of "indecorous" conduct. An argument followed which Noble ended by saying that he had accused no particular person of making long-winded speeches.

James Noble cannot be said to have been in the very first rank of Senators. Webster, Calhoun and Benton were the great men of his day. He was not their equal in ability, in eloquence or in influence, but he made a respectable showing with men of less importance. He was faithful in the performance of his duties and regular in attendance in the Senate. In the many debates in which he took part he showed a variety of interests and a fund of information. At times he could be eloquent. He did good service for the West by his advocacy of everything that would aid in its development. The people of Indiana believed in his honesty and integrity and, generally, in his public policies and purposes.

The most prominent trait in his character was his boldness and fearlessness in doing the thing he thought right. He was frank and open in nature so that his motives could be seen by every one. This is shown many times in his speeches.

Noble died Saturday, February 26, 1831. On Monday Senator Hendricks, of Indiana, arose in the Senate to announce his death. He spoke feelingly of the services the deceased Senator had rendered his country and his State; of his character and of the strong ties of friendship that had united them for so many years.

The body was brought into the Senate, followed by the House of Representatives, with President Jackson, the heads of the departments and the judges of the Supreme court. Rev. Mr. Johns, the chaplain to the Senate, delivered an impressive address. Interment was made in the Eastern Branch Burial Ground in Washington.