

## THE ROHRBAUGH WILL DISPUTE



Colonel Samuel Rohrbaugh had married "Mina" Stevens in 1873. She died in 1881, four years after their only child, a son Edward, was born. After his wife had died, her sister, Mrs. Ida Hubbard, helped Rohrbaugh raise Edward along with her two children, Samuel and Nelle, almost as brothers and sisters. Edward died in 1899 at the age of 23. With the death of his son Rohrbaugh had no close relatives as he approached his final years, except for his wife's sister and his niece and nephew. He had relatives back east but they were not close. He had never remarried and lived alone in an apartment above the lumber yard. The Hubbards were his family.

In March of 1903, he prepared a lengthy will in which he gave the Ottawa First Methodist Episcopal Church the lots north of the church. Those lots were where he built a grand home in 1906.

He also willed that a building on Main Street, the Kaiser Drug Store (now Hotz Copy), be sold and the proceeds placed in a trust and loaned upon good security. The directions for spending the interest from the investment were complicated: They were to be used to pay the taxes, help pay the pastor's salary, help pay for music during the services, help pay for

### HIS LIFE IS ENDED

Col. S. B. Rohrbaugh Passed  
Away at Excelsior.

BODY TO ARRIVE TONIGHT

Funeral Will Occur Thurs-  
day from the House.

Settlement of the Estate to  
Involve Question of Men-  
tal Soundness.

### TWO MORE SUITS FILED

Rohrbaugh Executor Against  
Hubbards Again.

S. R. Hubbard Sued for \$5,000 on Ac-  
counting, and Mrs. Nelle K. Phil-  
ippi for \$6,119.91 for Money  
Received.

Judge C. A. Smart, as executor of  
the estate of the late S. B. Rohrbaugh  
this afternoon filed a suit against S.  
R. Hubbard to recover \$5,000 alleged  
to be due the estate from the defend-  
ant, and costs of the action, and a suit  
against Nelle K. Hubbard, now Nelle  
K. Philippi, for \$6,119.91.

## CHURCH IS PLAINTIFF

New Rohrbaugh Residence  
Now in Litigation.

First M. E. Church the Plaintiff in an  
Action Filed in Court Today by  
Which Deed is Sought to be  
Set Aside—The Charges.

Alleging that the deed signed by the  
late S. B. Rohrbaugh conveying the  
three lots on which the fine new Rohr-  
baugh residence stands, to Ida Hub-  
bard, is not valid, having no consid-  
eration and that the late Mr. Rohr-

## ATTACH THE BUILDINGS

Attorneys for Rohrbaugh Es-  
tate Seize Property.

"Rohrbaugh," Bank Building and a  
Residence are Appraised—No  
Action for the Church  
Fund Contemplated.

Following the filing of the suits  
against Nellie K. Hubbard-Phillips  
and S. R. Hubbard by Judge Smart as  
executor of the Rohrbaugh estate yester-  
day evening, Undersheriff Latimer  
summoned S. L. Filson and F. R. Mil-  
ler as appraisers and attached the  
three properties in which Nellie K.  
Hubbard-Phillips had an undivided half  
interest—the Rohrbaugh opera house,  
the State Bank-Nelson building, and  
the residence on Hickory north of the  
lumber yard, occupied at present by  
C. E. Gormly.

The appraisers placed a value of

flowers during the Sunday Service and for music attending the Sunday School. As to the flowers he states in his will... "which flowers as a token of the bond that does now, for many years has, and I trust for many years to come, may exist between said church and myself, I desire each Monday morning to be strewn on the graves of my beloved wife, my son and myself"

The trustees of the fund were also to care for the grave site and vault.

He gave his niece and nephew Nellie and Samuel R. Hubbard the opera house together. He also gave them, separately, other real estate plus his pianos, horse "Maud", buggy and surrey with harnesses, and all his household furniture, including his organ. He gave his sister-in-law, Mrs. Ida Hubbard, a building on Main Street. He gave the Bethany Hospital in Kansas City the Boston Store building on Main Street, later Penny's and now the site of the Sears Store. He gave Baker University and Bethany Hospital each one-half of his remaining estate.

A little more than three years later Rohrbaugh's health began to fail.

### **The Board of Trustees minutes record the beginning of a problem.**

A meeting was called January 28, 1907 to ascertain why a grand piano was taken from the church. Rohrbaugh was present and said it was taken without his knowledge of consent. (*This is the last meeting Rohrbaugh attended*) Samuel Hubbard says he took it but was not completely sure why, thinks it has something to do with money loaned the church to buy a piano and never repaid.

**NO METHODIST JURORS**  
**Church Affiliation An Issue**  
**in Rohrbaugh Cases.**

The Judge Who Will Preside, is, How-  
ever, a Prominent Methodist—  
The Jury is Finally  
Secured.

No Methodists are on the jury that  
will try the Rohrbaugh case at Iola  
Monday. The defense has, according  
to the Iola newspaper accounts, ob-  
jected to Methodists, on account of  
their probable interest in the prosecu-  
tion. The queer situation has devel-  
oped, however, that Judge Oscar  
Foust, who will preside over the case,  
is a trustee of the Methodist church.

The piano in the Rohrbaugh theatre is the one originally in the church. A committee is appointed to arrange the return of the piano. A few days later the committee reports and the return of the piano is demanded within 24 hours.

February 9<sup>th</sup> the Trustees met and agreed to accept the offer of Mrs. Hubbard to return the upright piano given the church by Rohrbaugh along with an organ.

**Later in February, six citizens affiliated with the church asked for a hearing in probate court that a guardian be appointed for Colonel Rohrbaugh.**

During the first trial S. R. Hubbard, his nephew, testified that on February 22nd, Rohrbaugh got up earlier than usual and said "get a lawyer, we've got time to beat them yet". That day a considerable part of the real estate that had been willed to others, was deeded to Mrs. Hubbard and her children.

Witnesses later said they had heard Mr. Rohrbaugh say "I don't see what I have done that they should attack me" and later said "I don't want any guardian, If I had a club I think I would fix some of those people". Before the hearing could be completed, Mr. Rohrbaugh died. Notice of his death states that litigation is sure to come.

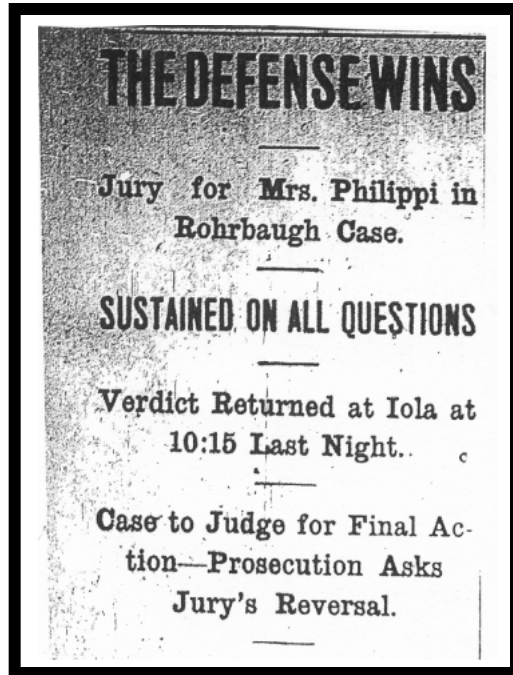
**CROWD THE ROOM**

Iola People Interested in  
Rohrbaugh Case.

**JUDGE SMART ON STAND TODAY**

Jury Hears Story of Making  
of the Will.

Judge Smart Tells How Pro-  
perty Might Have Pas-  
sed to Relatives.



The Trustees approved filing suit on behalf of the three lots north of the church. In April, 1910 the Trustees offered to give or take \$3,000 for the residence north of the church and stop all further litigation. In May, they considered a proposition from the Hubbards and approved cooperating with Bethany Hospital and Baker University and settling the church's interest in the estate. In September, a settlement had been reached for \$2,000 and it was received and deposited.

Judge Smart, who was executor of Rohrbaugh's estate, filed suit for the Kaiser Drug building property. The case was tried and

a verdict in 1915 said the property was to go to the executor for the purposes willed. It wasn't until 1921 that the property was transferred to the executor who held it till 1955 then transferred it to the Board of Trustees who sold it in 1970. The proceeds of the sale are now part of the Rohrbaugh Fund in the First United Methodist Church Foundation. [Thanks to Vernon Chesbro for sharing his research on Rohrbaugh.]



*The Rohrbaugh Home north of the Church*

## THE FLOODS



*A photo of the 1951 Flood taken from near the steps of the First Baptist Church across the street. The Methodist Church is in the right background.*

*The water level is near the top of the Church's basement windows.*

Indians told settlers of a flood that reached from "bluff to bluff" in 1844. While written records do not exist for the Marais des Cynes, that year is the same as floods on the Missouri and Kaw. High water marks pointed out by the Indians indicate it was similar to the 1951 flood. From 1904 to 1951 the river flooded 18 times, in some years as many as four times in a single year. The flood of 1928 was one of the highest with church records indicating the ladies fed several of the refugees in the church basement before the flood waters drove them out of the kitchen and dining room. The flood of 1951 was the highest then recorded, with the flood waters again reaching the church and flooding the basement nearly to the ceiling. There was a massive clean-up and many church records stored in the basement were lost.

## THE MICROBURST



On June 28, 1999, a Monday morning, Ottawa experienced a wind microburst that did tremendous damage to our Church, the City Park, the First Baptist Church, and many homes. Our church lost many stained glass windows that had been in place since 1903.

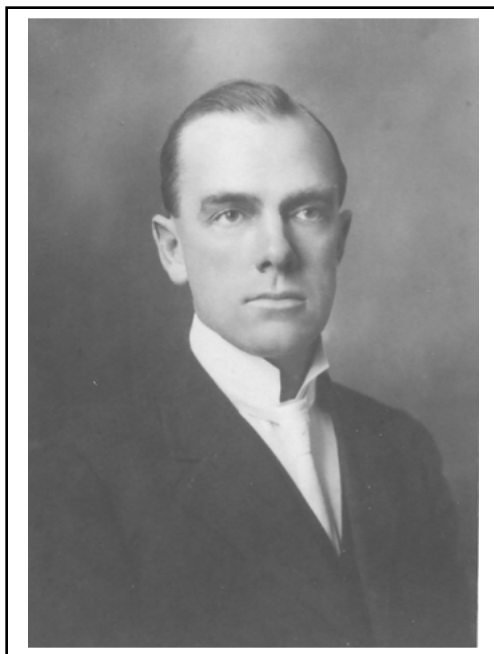
The west center window of "Jesus Knocking" was blown to the outside and the balcony windows were blown in. Glass was blown throughout the sanctuary with shards in the pew cushions, pews and some embedded in the back of the chancel. One person was in the sanctuary at the time and under a balcony and not hurt. Had it occurred during a service many people would be badly injured.

Hymnals, bibles in the pews and the carpet were water soaked. There was some structural damage to the west wall. The damage was covered by insurance. A major renovation of the church had just begun so it was expanded to incorporate nearly a complete refurbishing of the sanctuary to repair the damage.

Mary Royse and Deanna Fox co-chaired a committee to replace the stained glass windows. Eight companies expressed an interest in replacing the windows and six companies were interviewed. The insurance company wanted bids for the work, so plans and specifications were prepared. It was decided to replace the wooden windows with insulated aluminum frames and insulating glass. In addition to destroyed or damaged windows that the insurance paid for, generous support by the congregation allowed repair of other windows. Four companies were asked to bid and two companies submitted bids. Karen Hendrix and Associates of Oklahoma City was awarded the contract for the work.



*Cliff Mayfield of Karen Hendrix & Associates installing the replacement "Jesus Knocking" stained glass window.*



## PASTOR CASE'S ACCIDENTAL DEATH

Dr. Harry C. Case, pastor of the First Methodist Episcopal Church since 1918, was killed October 1, 1921 in a railroad crossing accident at Seventh and Walnut. He was struck by the southbound Santa Fe passenger train shortly after 10:30 a.m and died at 12 o'clock at Ottawa Hospital. The train had just left the station at First and Walnut, and was traveling slowly when it struck his car. He was thrown from his car and seriously injured. The train stopped, bystanders rushed to help and he was loaded on the train and carried back to the train station and then transferred to the hospital. Reverend Case had been on his way to 627 South Locust to arrange funeral services for O.T. Marshall. In the past, other Ottawa citizens had narrow escapes at this crossing and the accident renewed demands for better crossing guards. Dr. Case left a wife and two older children.



## PASTOR SUTTON'S SUDDEN DEATH

Reverend Reese Kester Sutton, 58, pastor of the First Methodist church for six years, died at the parsonage the night of October 12, 1946, after an illness of three months. He had undergone an operation in Rochester, Minn. in July and although returned home, had not been able to resume his pastorate. His condition had grown worse about a week before his death.