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Article Summary: Judge Reavis, the best-known lawyer in Nebraska in frontier days, began writing his autobiography in 1909. The part he completed is reproduced here. It begins with his arrival in Falls City in 1858 and describes his first decade in the area.

Cataloging Information:

Names: Isham Reavis, Abraham Lincoln, David Dorrington, Anne B Wood Dorrington, Anne Mariah Dorrington Reavis, William Kenceleur, A D Kirk, Frank Goldsberry, Wingate King, John C Miller, Sam Thomas, John A Burbank, J Edward Burbank, John Rothenberger, Sewel R Jameson, Elmer Dundy, Jonathan James Marvin, Joseph Miller

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Photographs / Images: Isham Reavis; Anne Dorrington Reavis; east side of Stone Street in Falls City, 1868; *War Eagle*; west line of the Half-Breed Tract, redrawn in 1856 to include Archer; steam sawmill operated by John Shook of Barada Precinct in northeastern Richardson County in 1879; Salem, second county seat of Richardson County; Falls City's second county courthouse, built about 1875



Isham Reavis, 1836-1914.

ISHAM REAVIS, PIONEER LAWYER AND JUDGE

By JOHN S. GOFF

INTRODUCTION

Of Judge Isham Reavis it has been said that he was "a jurist of exceptional ability and renown, a lawyer of profound learning, a pleader of exceptional force, and a strong man who sliced and carved out a career during an age when strong and sturdy characters were necessary to create a state."¹ In his day he was probably the best-known lawyer in the state of Nebraska, and in addition he spent several eventful years in newly opened Arizona Territory as a federal judge. The roots of the man go back to the "land of Lincoln"; he was partially self-educated in the frontier tradition. During his long and eventful life he saw the nation pass through its great Civil War and then develop as an industrialized world power. Judge Reavis lived long enough to become the patriarch of a numerous and important Nebraska family.

The ancestors of Isham Reavis were Southerners, and some of those of the Revolutionary War generation fought at the battle of King's Mountain.² His father, also named Isham Reavis, was a farmer who had come originally from North Carolina.³ His mother Mahalie Beck Reavis, born in Virginia but reared in Kentucky, became the mother of thirteen children of whom Isham was the youngest. The Reavis family lived on a Sangamon River Valley farm in Cass County, Illinois, near Beardstown. Isham was born on January 28, 1836. The boy remained on the farm until his father died in 1845, meanwhile attending the public school at Beardstown.

He later attended an academy at Virginia, Illinois, and concluded his formal schooling at Illinois College, Jacksonville, from which he withdrew when his mother died.⁴ Deciding upon the law as a career, Isham Reavis asked for advice in a letter to a Springfield lawyer who had years before occasionally stopped overnight with the Reavises while working with a surveying party. In due time a reply was received:

'Springfield [Illinois], Nov. 5, 1855

Isham Reavis, Esq.

My dear Sir:

I have just reached home, and found your letter of the 23rd *ult.* I am from home too much of my time, for a young man to read law with me advantageously. If you are resolutely determined to make a lawyer of yourself, the thing is more than half done already. It is but a small matter whether you read *with* anybody or not. I did not read with anyone. Get the books, and read and study them till you understand them in their principal features; and that is the main thing. It is of no consequence to be in a large town while you are reading. I read at New Salem, which never had three hundred people living in it. The *books*, and your *capacity* for understanding them, are just the same in all places. Mr. Dummer is a very clever man and an excellent lawyer (much better than I in law-learning); and I have no doubt he will cheerfully tell you what books to read and also loan you the books.

Always bear in mind that your own resolution to succeed is more important than any other one thing.

Very truly your friend,

A. Lincoln⁵

The Mr. Dummer referred to by Lincoln was Henry E. Dummer of Beardstown, educated at Bowdoin College and Cambridge Law School, who was later an Illinois state senator.⁶ While it is not clear whether or not young Reavis did study with Dummer, nevertheless on July 30, 1857, he was admitted to the Illinois bar.⁷ But less than a year after Reavis began the practice of law in his native Cass County, he boarded a steamboat which carried him up the Missouri River to Rulo, Nebraska. From the landing he walked inland until he reached Falls City in southeastern Nebraska Territory.⁸ He arrived May 8, 1858,⁹ and with the exception of four years when he served as a federal judge in Arizona Territory, Falls City would be home to Reavis for the rest of his life.

After arriving he established a law office in the newly formed town, which had been established only the year before and was still surrounded by open prairie. The first couple to establish a home there had been David and Anne B. Wood Dorrington, later referred to as "father and mother of Falls City."¹⁰ The Dorringtons were free-staters and cooperated with those who

were spirited slaves from central Missouri by way of Kansas and southeastern Nebraska to safety.¹¹ Their daughter Anne Mariah, born in Utica, New York, on October 24, 1845, was graduated in the early 1860's from Elmira Female College in her native state and on a visit with her parents in Falls City met Isham Reavis. For a time she taught in the first public school established in Richardson County, but on May 19, 1864, her teaching career ended when she married the young lawyer.

The Reavises became parents of five children, all of whom were born in Falls City. A son Isham died in childhood. The eldest, Annie (April 7, 1865–August 16, 1956), who became Mrs. Thomas J. Gist, was active in the Nebraska women's club movement, the Daughters of the American Revolution, and helped organize the women's auxiliary of the American Legion. David Dorrington Reavis (December 19, 1867–December 21, 1963) was a lawyer, farmer, scholar, artist, and musician. Charles Frank Reavis (September 5, 1870–May 26, 1932) was a member of the United States House of Representatives, first Nebraska district, 1915-1923. Burton Isham Reavis (December 2, 1875–February 3, 1932) was a merchant of Falls City.

As an indication of Reavis' rise in importance in his home area, he was elected district judge in 1867 and the following year was chosen a member of the Nebraska Senate. The regular session of the 1869 Legislature, held from January 7 to February 15, was a relatively important one, and Reavis played a significant role in it. He introduced a bill to aid railroad construction by disposing of the state's public lands which had been earmarked for this purpose. He also sponsored a proposal to have Nebraska aid in the construction of the Abraham Lincoln memorial and tomb at Springfield, Illinois. The bill passed February 15 after the defeat of a substitute motion to give funds to the Nebraska Soldiers' Association. Thomas W. Tipton, a friend who was elected to the United States Senate by the Legislature, had Reavis' vigorous support when candidates were debated on the floor.¹² Mrs. Reavis went to Lincoln on weekends to be with her husband during Senate recesses.¹³

When General Grant became President in 1869, he had the customary privilege of making many appointments to federal offices. At this time Isham Reavis wished to become a justice of the Supreme Court in newly created Wyoming Territory. Accordingly he asked friends and associates to write letters of



Anne Dorrington Reavis was the daughter of early Falls City settlers. Before she married Isham Reavis, she was a grade school teacher.

recommendation in his behalf to President Grant. Judge Elmer S. Dundy, Governor David Butler, and other local notables did so. From outside of Nebraska came endorsements from William Pitt Kellogg, formerly of the state but then in Louisiana; Solomon L. Spink, congressional delegate from Dakota Territory; Richard Yates, the Illinois "war governor"; and Oliver P. Morton of Indiana.¹⁴ For some unexplained reason Isham Reavis did not get the Wyoming appointment but instead found himself nominated associate justice of the Arizona Supreme Court on April 16, 1869. He was confirmed by the U.S. Senate four days later, and on April 22 took the oath of office before Judge Dundy.¹⁵

Arizona Territory had been created in 1863 when it was detached from New Mexico. By the end of that year, its first officials were on duty. The three-member Supreme Court headed by a chief justice constituted the judiciary for the area. Mainly trial judges, they were assigned a geographical area. Jurists once a year gathered to hear appeals from their own trial courts. Judge Reavis was assigned to the second judicial district of the territory, the far western part of Arizona bordering on the Colorado River. Upon his appointment he inquired of the attorney general in Washington how soon he was needed at his

new post, and upon being told found it necessary to request additional time to put his Nebraska affairs in order.¹⁶

Finally, in August, 1869, the judge, his brother-in-law John W. Dorrington, and a relative, Elisha Reavis, boarded the newly completed transcontinental railroad for San Francisco. Arriving there they took an ocean steamboat south around Lower California to the mouth of the Colorado River and continued up the river on a smaller steamer.¹⁷ Their destination was La Paz, now vanished, which was the seat of government for Yuma County and the second judicial district. Later the court would be moved, together with the county seat, to Arizona City, afterward renamed Yuma.

Judge Reavis probably arrived at La Paz on August 21, for on that day he took another oath of office before the local justice of the peace.¹⁸ Terms of the trial courts were to be held yearly commencing the first Monday in March and September.¹⁹ The sessions were not to last over three weeks, and if business was pressing, an "adjourned term" of not over one week could be held to clear the docket.²⁰ Additionally, judges were "at all reasonable times" to be on duty to issue writs and rule on applications for new trials.²¹ The courts had a dual jurisdiction. A part of each court session dealt with matters pertaining to the laws of the United States, while the other half concerned itself with the laws of the Territory of Arizona. Conditions were so primitive that when he opened court in the fall of 1869 Reavis had to inquire of Washington what should be done with prisoners sentenced by the federal court. The reply was that an attempt would be made to confine convicts in California but that the judge himself would have to provide some method of transporting them to the prison.²² Now and then there were ceremonial occasions arising out of the judge's position in the community. In October, 1869, a special session of court memorialized recently deceased politicians, including Reavis' predecessor. The press reported that:

Judge Reavis, in an impressive manner, reviewed the resolutions and remarks of the gentlemen of the Bar. He dwelt upon the propriety of letting the past be the past, and look towards the future:—to live and act in such a way that when the time comes when — those who are now living will be joined to the illustrious dead, a tear, not only of sorrow but gratitude, for honest deeds performed in lifetime, may fall upon their graves.²³

The annual Supreme Court session set for 1869 was not held, but Judge Reavis did participate in two other sessions, those of

January, 1871, and January, 1872.²⁴ To later generations it seems strange that a judge would hear an appeal from his own court, but such was the system prevailing in the territories. The meetings of the Supreme Court were occasions for social as well as legal matters. The Legislature was in session in January of 1871, when Judge Reavis was given the ceremonial honor of inducting into office the members of the upper chamber.²⁵ Not long afterward the judge had a birthday, and the governor, Reavis' fellow jurists, and the legislators honored the Nebraskan with a dinner at which there was so much food, champagne, speech-making, and general celebrating that "probably there were (*sic*) not one present who would not like to assist the judge in many more birthday fetes."²⁶

Most territorial officials lived without their families in Arizona during the 1860's and early 1870's because of its remoteness and primitive living conditions. However, for a time Mrs. Reavis did live in Yuma. Of her life there she said:

I was the only white woman in the community, the rest of them were Indians or Mexicans. My baby, Frank, was the only white baby and it was my constant fear that someone would steal him. My husband was busy on the bench all day long, and sometimes far into the evening, and I would be at home with the baby. I always had a gun, though, and I believe I would have used it if the occasion had presented itself. The only time I was very badly scared was when a man, whom my husband had sentenced to prison, came to the house and finally he went away, but he came back in the middle of the night when Mr. Reavis was at home, and tried to get him to come out to the gate. If he had, he would have shot him, of course.²⁷

After Mrs. Reavis returned to Nebraska, the husband and father made brief trips home to be with his family. This enforced separation, plus a degree of ill health suffered by the judge, ultimately led to his resignation from the territorial bench.²⁸

During its early existence Arizona was governed by a group of officeholders popularly known as the "Federal Clique." Not always a harmonious group, they now and then feuded among themselves but generally tried to present a united front against an emerging Democratic Party. Judge Reavis was not closely allied with the Clique, but nevertheless he did now and then incur the displeasure of some outsiders, most notably John H. Marion, a Democrat from Louisiana who owned the *Arizona Miner* at Prescott. Reavis' friend C. W. C. Rowell, the United States attorney for Arizona, managed not only to bring down upon his head the wrath of Marion and his friends but to earn the animosity of the Clique as well. Rowell was forced out of

office, but Reavis simply tired of his post and sent a letter of resignation to the attorney general at Washington in December, 1871.²⁹ Until his successor, DeForest Porter, also a Nebraskan, arrived in April, 1872, Reavis remained on duty.³⁰ For a short period afterward the former jurist practiced law in Yuma.³¹

In May of 1873, Isham Reavis left Arizona, never to reside there again, although he continued to visit Yuma now and then.³² However, in 1888 his son David D. Reavis did homestead land there. John W. Dorrington, the brother-in-law who went west with the judge, owned the *Yuma Sentinel* for many years, served in the Territorial Legislature, and represented Arizona at Republican national conventions. Curiously, Elisha Reavis, the other relative who went west, in time became a recluse and was known as "Old Man Reavis, the Hermit of the Superstitions."³³

Once back in Falls City, Judge Reavis was soon immersed in a growing legal practice which took him throughout the state and often to Washington, D.C., to argue cases before the Supreme Court. "During his day it is probable that no man was better known over the state than Judge Reavis, and perhaps no other lawyer has figured in more remarkable or celebrated cases."³⁴ As one of the leaders of the Nebraska bar he was invited to deliver the annual address at the state bar meeting held in Lincoln, January 18, 1882, an honor which came to him unsolicited. His topic was "The Influence of the Legal Profession in the Affairs of Civil Government."³⁵

In 1902 Judge Reavis' son Charles Frank Reavis was admitted to the bar and became associated with his father in law practice. Isham Reavis remained active until almost the end of his life. In the spring of 1914 he became ill and died at his home in Falls City, May 8, 1914. His wife lived on as the honored family matriarch until May 8, 1933, when on the anniversary of her husband's passing she too died at Falls City. Judge Reavis and his family are buried in the family mausoleum in Steele Cemetery, Falls City. When Isham Reavis died, many words were spoken and written in tribute to him but perhaps none were more fitting than those of a *Falls City News* editorial:

He has done his work nobly and well and has left to his family a splendid heritage of deeds worth while in the business and social life of the town, the country, and the state, . . . giving to the people the best that was in him—and who can do more. His was a worthy life, his years have been full of usefulness and he has done much for his country that will live after him.³⁶

One might also recall the judge's own words uttered during his Arizona Territory days in which he urged his hearers to "live and act in such a way that when the time comes and those who are now living will be joined to the illustrious dead, a tear, not only of sorrow but gratitude, for honest deeds performed in lifetime, may fall upon their graves." Isham Reavis had earned that symbolic tear for honest work faithfully done.

In 1909 Reavis began an autobiography, which unfortunately he never completed. The part of it which he did complete, entitled by him "Reminiscences of a Wayfarer," follows:³⁷

REMINISCENCES OF A WAYFARER

On as fair a day in May as ever shone upon the world, and at about the hour of high twelve in the year of grace, 1858, I stepped from the deck of a Missouri river steamboat, to the soil of Nebraska. In those days the most rapid and comfortable mode of travel, when the objective point could be reached in that way was by steamboat. It happened so in my case. I took passage at Quincy, Illinois, on the good boat "Hannibal City," plying on the Mississippi between St. Louis and St. Paul, and landed at St. Louis the next morning. From there I took passage on the Missouri river packet, called the "Rowena," for St. Joseph, Missouri. There were thirty or forty passengers for up-river points, but mostly for Kansas and Nebraska, all of whom with one single exception, were young men less than thirty years of age. At Leavenworth we were reshipped to another river boat by the same line called the "War Eagle" — the Missouri river was alive with boats in those days — and completed our voyage on that craft. At St. Joseph, those who were left of the passenger list, took passage on a more humble vessel, the "Wattosa," named perhaps for some mighty Indian brave somewhere, and on the day following, I, with another, was put ashore as before stated, at the town of Rulo in the Territory of Nebraska. While yet upon my journey and while passing from one boat to another I somehow felt in touch with home and the state of my nativity; but as I stood on the bank of the fast-flowing river, and saw the steamboat that had borne me there, cast off her moorings and slowly float out into the stream to resume her voyage northward against the turbid flood of the Missouri, an indescribable feeling of lonesomeness



East side of Stone Street in Falls City, 1868. The John H. Burbank store (center) was constructed before Isham Reavis arrived in Nebraska in 1858.

came over me, which I shall never forget. For the first time I realized what it was to break off the associations of a lifetime. When the little tramp steamer left me at Rulo landing to churn its way through the muddy waters of the river, apparently too thick with mud and sand to swim in, and not thick enough to walk on, every tie that bound me to the old life and the old home — long ago broken up and its members scattered, with all the sacred memories that cluster around them, were severed once and forever.

Nebraska Isolated from the World — That the situation may be better understood, it is proper in this connection to say, that fifty years ago Nebraska was as completely isolated from the world and civilization as the land of the “Midnight Sun,” in Alaska, was at the opening of the past century. There was not a railroad within hundreds of miles, and with no communication East except by the river that was frozen up half the year, and navigable for boats for only about three months of the year, in the later spring and early summer. But despondency would not do and calling up the old resolution that impelled me to make the start, gathered my gripsack and with the words of the great

English poet floating through my mind: "And whatever sky's above me, Here's a heart for every fate," turned my face to the town on the hillside, and to the unknown future, and my life in Nebraska had commenced.

My companion on the voyage from St. Louis, and who formed the exception in point of age among the passengers I have mentioned, was none other than Joseph Tesson, well known to the older residents in and about Falls City and Rulo, and who had debarked with me from the "Watossa," accompanied me up town, and being acquainted with some of the people there, kindly invited me to take dinner with him at the house of one of his friends, a William Kenceleur. My acquaintance with Mr. Kenceleur, so happily commenced that day, continued unbroken until the end of his life.

I was anxious to go on to Falls City, which, I was told, was about ten miles west, that afternoon, but Tesson and Kenceleur both thought, as I was intending to make Richardson county my future residence or some point in it, and as Rulo was its most important town, I had better stay over the afternoon, and see the town and get acquainted with the people and go out to Falls City the next day. On consideration, I concluded to do so, and we sallied forth for the purpose. What struck me as most singular was the fact that everything about it was new. There was not an old house in it, and there seemed to be about a hundred — all of them, as I learned, had been built within two years, and most of them within a very few months. Nor was there an old man or woman among its people, nor any who were much past middle age. Everybody was young, the town was young, the territory was young, and the youth of spring was upon everything around them, and its greenest garb.

Rulo As I Saw It Fifty Years Ago — Having concluded to stop over and see the town, we went out on the streets to begin the rounds. I think this statement needs some explanation, for if stepping into the immensity of all outdoors, means going out on the street, we certainly did that. There was nothing in sight to indicate the existence of a street, alley or other municipal thoroughfare, in the whole village, unless the spaces between the houses were such, in which case, as the houses had fallen out among themselves, and to have set up in separate territory of their own, the town must have consisted mostly of all streets, which of course, could not be. Grass grew everywhere, except in

the traveled paths made here and there, by foot passengers, among the dwellings and places of business. There was certainly enough of such highways, and as no two of the houses were built within fifty feet of each other, the footpaths branched off in all directions, and in all shapes from a straight line in places, to windings in and out like the trail of a snake in a dusty road. We first visited a store kept by Martin & Goldsberry. The senior member of the firm was a Canadian Frenchman, while his partner was the same Frank Goldsberry, who not long ago resided in Falls City, and is remembered by most of the present residents. The next person whom I remember to have met was A. D. Kirk, a lawyer by profession and one of the early settlers of Richardson county. He was one of the representatives in the first Territorial Legislature, held in the winter of 1855. Mr. Kirk had his law office in the store of his brother-in-law, Goldsberry, though from the surroundings I was not impressed with the notion that his law business was very extensive. The next prominent citizens of the town whom I met were Eli Bedard and Charles Rouleau, both of whom had been instrumental in the building of Rouleau. The town possessed the most mixed population I have ever seen in a town of its size. There were a great number of idle people about the streets, who were neither French, Indian or American, but were in fact a mongrel race, compounded of the blood of all three, whom the general government had designated as half-breeds, and for whose benefit the reservation between the Nemahas had been set apart by treaty. They were a new and strange people for me, differing in every physical characteristic from all anthropological classification I had ever seen. In their relations with the government they were classed as Indians, and yet, the effect of the treaty assigning them lands in severalty, would be to make them citizens.

My Tramp to Falls City — The day following my advent into Rulo was Sunday, but nevertheless I must continue my journey to Falls City. For that purpose I went out after breakfast to the Goldsberry store to see about getting a conveyance for the trip. There was none to be had on any terms — in fact there was none to be had at all and there was nothing for it, but that I must do the distance on foot. While at the store I made the acquaintance of several gentlemen, whom I had not met the day before; among them . . . Felix Fitch, Hugh Boyd, E. H. Johnson and Thomas Tostavin, the young surveyor, who had surveyed

and platted the town, and who told me he was about to enter upon the survey of an addition likely to be made to it, by Mr. Kenceleur. They said it was an "abolition hole," "Jim Lane town," and other names of designation, which I thought betrayed an unfriendly disposition toward the town on the prairie. They further stated that it would never amount to anything because it was too far from the river and had no timber about it, and nothing to induce population, etc. I replied that I must go, for I expected to meet a friend there, at whose instance I had come to Nebraska, and I prepared for the start. The failure to get a conveyance was embarrassing, but all the same I must go, notwithstanding they told me there was no road and only a path here and there, which if followed, would probably take me out of my course, and besides, I would find a dense covering of high grass to walk through that would be both tedious and tiresome. However, one of their number accompanied me to the highest point west of town, from which Falls City could be seen in the distance, and pointed out such landmarks as were visible, and they were few, to guide me.

There was but one house between Rulo and Falls City and that belonged to Joseph Forney, who is still living and a citizen of Falls City. The house was located in the valley west of the Muddy. I was told to keep the Nemaha river on the south in sight and go straight west as much as possible. The Forney house was not visible from that point and the Nemaha, indicated only by a fringe of timber stretching along the valley, was the only reliable landmark and that was not always in sight. I was told, further, that just before I would reach the Muddy, my course would take me into the valley of the Nemaha. This direction was correct and when after laborious walking I reached the Muddy, I found the ruins of a mill that somebody had started to build and somebody else had tried to burn. I walked across the creek on a few of the charred timbers that still remained and beyond it, to near the residence of Mr. Forney, I encountered a morass of at least half a mile in extent. Splashing through that as best I could, I came to the Forney residence and applied for further information as to my course to Falls City.

Missed the Way — At that point the town was invisible and in fact remained so until I got to within a mile or so of it. After I left the Forney place I missed my course and wandered over to

the north till I came in sight of a house, that of E. T. Minshall, as I afterwards learned, in the valley of the Muddy, and then I knew I was far out of my course, for I had been told that Falls City was located on the high ground overlooking the valley of the Nemaha river and that the stream I already knew was on my left hand and miles away to the south. I also saw from that point, the site and remnants of the old town of Archer, on the north side of the Muddy. From there I turned to the southwest and shortly discovered the place of my destination.

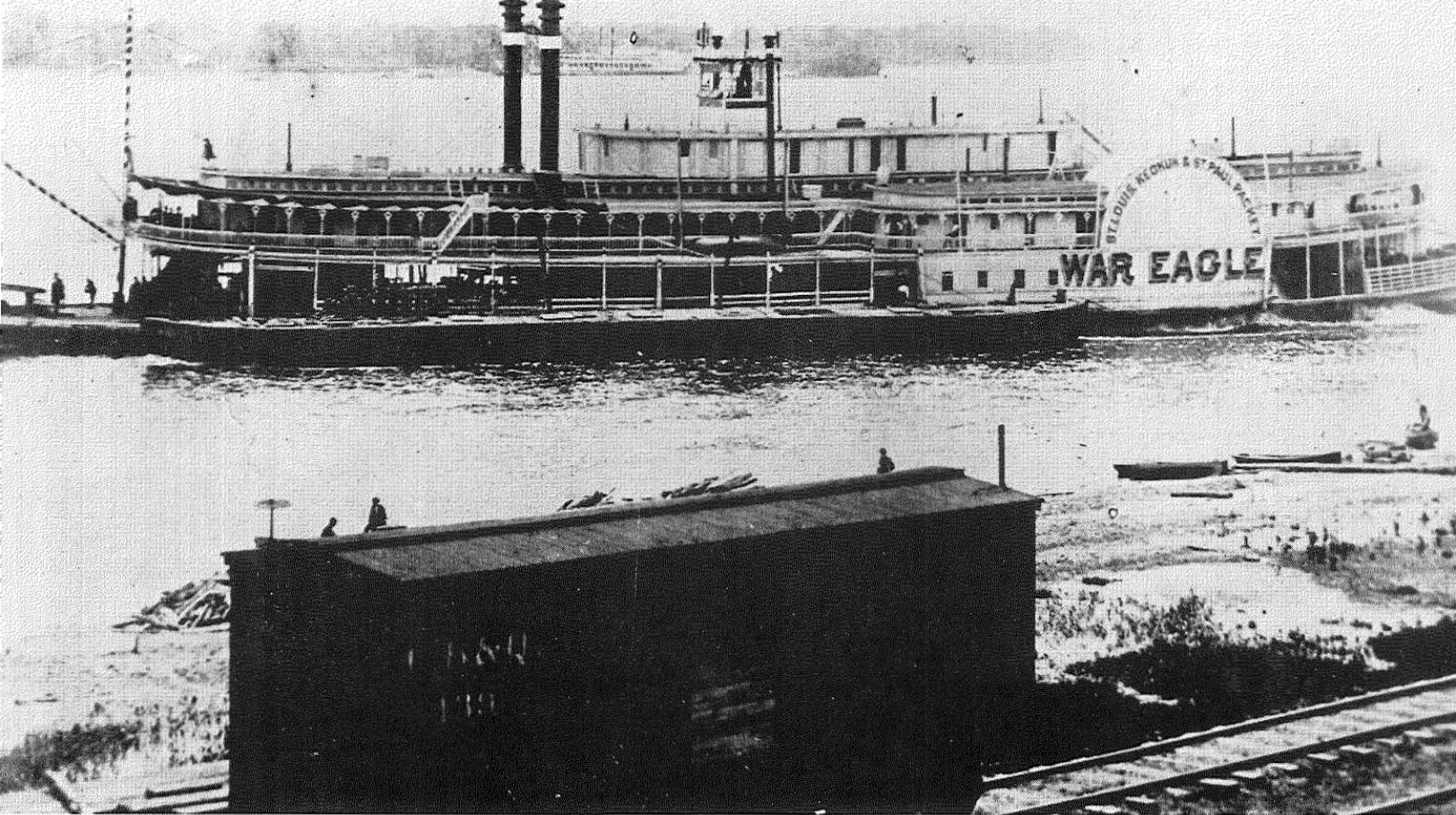
At first on my lonesome tramp that day, it was a positive pleasure to look out on the wide expanse of prairie, as green as an emerald and arched by a sky as blue as an amethyst, stretching away into the distance, vast, vacant and silent. I was on the edge of the great plains I had heard and read so much about — the land of the Indian and the buffalo, those restless nomads of these solitary wastes, and of the wild deer and the antelope.

There was not a tree or bush in sight, save on the Nemaha and along the smaller streams, and nothing whatever that suggested the presence of man, until I reached the Forney house on the Muddy and that of Mr. Minshall, further up the stream.

There was a log house standing about where the Maddox block stands now, to the west, opposite from the present site of the court house, in which a man by the name of Van Lew and his good wife kept a kind of a boarding house. They were formerly of Elmira, New York, and my friend, who had induced me to come to Nebraska, was stopping with them. As they were expecting me some arrangements had been made for my entertainment, for which I was, indeed, thankful. The house was what would be called a story and a half high, but had not a yard of plastering in it, nor a smear of paint on any part of it, nor for that matter was there such in or on any house in town.

In speaking of Rulo I have said that everything appeared to be new, but in Falls City everything appeared to be old, except the people. Most of the houses were built of second-hand lumber, brought over from the wreck of old Archer and Yankton, and made into six or eight shacks, or excuses for houses, and this was Falls City as I saw it that day in the long past.

In Philosophic Mood — The influences that silently control the movements and destinies of people are not always palpable



In 1858 Isham Reavis took passage on the War Eagle between Leavenworth, Kansas, and St. Joseph, Missouri, while enroute to Nebraska Territory.

to the senses, nor exist as facts confessed in consciousness, but permeate the social fabric in all its multitudinous ramifications, felt everywhere and seen nowhere, like the wind that bloweth where it listeth.

I know why I came to Falls City, but I do not know why I stayed, any more than I know who will be President of the United States a hundred years hence. Somebody must stay in the little hamlet, or it would cease to exist, and why not I as well as others.

Falls City was not much to look at that quiet Sunday afternoon. There were four houses on the west side of Stone street and one small carpenter shop located where the Gehling Opera House now stands. On the other side, diagonally across the street, where the Richardson County Bank building is located, I saw a pile of newly-sawed walnut lumber, which I was told Jesse Crook, who lived on a pre-emption claim north of town, was intending to put into a hotel; and below that was a double-logged house, veneered with boards. In one of these, John A. Burbank had a kind of general store, and the other was used as a dwelling for his family, consisting of his wife and little girl, less than two years old. That same little girl is now the wife of Judge Kibbey, the present governor of the Territory of Arizona, while the wife and mother, as brave and true a Christian woman and refined lady as the good God ever sent into this sinbedeviled world to bless it, has been at rest, these many, many years.

South of the Burbank building, on the corner of the same block — where Jenne's shoe store now is (lot 13, block No. 70) — there was another boarding house kept by one Alexander Rickard. He and his family had come up from Kansas with Gen. Jim Lane, together with several unmarried young men, all of whom had been retainers and followers of that famous Free State leader down there, to help him build a town in Nebraska. About midway in the next block south (west side of block No. 91), a man named W. W. Buchanan had put a one-story house, probably twelve by sixteen feet in diameter, and was occupying it with his family, consisting of his wife and three or four children. His brother, James Buchanan (not the President), was living on the quarter section directly east of the townsite, to wit, the southwest quarter of section 11, township No. 1 north, of range No. 16, east of the sixth principal meridian, and later

in the season built the house now owned by Benjamin Poteet. It was built of walnut lumber, and is just as good after the wear and tear of half a century, as it was on the day it was finished for occupation. It is standing today and is occupied. Still further to the south (in block No. 134 on lot 13), Isaac L. Hamby had his residence. It was a shade better than the other residences in the town. He was one of the town proprietors as well as proprietor of one of the largest families in the town, and a saw-mill at the lower end of the town, near the present Missouri Pacific station and city electric light plant. There were two or three other houses in process of construction, east of Stone street, and one on the street west in block No. 153, that had just been built by Wingate King, long a resident here, and at that time the owner of a pre-emption claim, on the north-west quarter of section No. 15 - 1 - 16, originally part of the land selected for the site of Falls City, but was dropped when the town company came to enter the land and pay for it under the laws of Congress providing for the location of towns on the public lands. In another of the houses west of Stone street, Squire Dorrington and his family resided, lot 12, block No. 71. Another building was standing on the west side of Stone Street in block No. 90, south of the carpenter shop above referred to; it was a boarded veneered structure and in which one William M. Brooks had a store of general merchandise, and which Fred Dorrington, a young fellow of about twenty, was managing for him. Just across the street below it in block No. 103, was a hole in the ground perhaps fifty feet square, and walled up with cobble stones, upon which Mr. Hamby had told me he intended to erect a hotel that would rival the best west of the Mississippi. It was another of his impossible schemes. This unsightly scar on the surface of the earth remained a monument to the folly of its projector for four years. Afterwards Doctor Hanana built a residence thereon and later it became the site for the fine store building of Samuel Wahl.

The town company consisted of James H. Lane, John A. Burbank, J. Edward Burbank, a Judge Hunt, of Doniphan, Kansas, and Isaac L. Hamby, I have just been writing about. Land and Hunt never became citizens of Nebraska; all the others did.

The townsite was selected, surveyed and platted in the summer of 1857, but its articles of incorporation were not

made a matter of record until April, 1858, about twenty days before my arrival.

First Sunday School in Falls City — The house I mentioned as built by Mr. Wingate King, in block No. 153, is still standing (in 1909) and in the same place. No alteration in shape or otherwise has been made, and it stands precisely as it was built and it has stood for more than half a century, while every other structure then in town, has long ago disappeared or been remodeled. I like that old house for other reasons than its great age, and particularly for certain associations with it. The house was new but not occupied, and it was suggested by Mrs. Burbank, and Mrs. Van Lew that we get all of the children in town to attend there on next Sunday and organize a Sunday school. I think that was in the early days of June, and as anything in the shape of a diversion would relieve the dreary sameness, I readily fell in with the proposal. I have no distinct recollection of the number [of] these little human mavericks we rounded up for the occasion, but we got some, probably ten or a dozen, and the function was pulled off, I suppose, in regulation order.

There was no church building in town, and the little house was improvised for such public worship as chanced to come our way. Wingate King was something of a preacher and held forth, now and then, and always in the little house, and always with a great deal of fervor. He has been dead for more than thirty years and the good women who organized that Sunday school have faded from the world; while those bright-eyed little urchins who lisped the old story, old with the ages, but as young as eternal spring, under the roof of this meager and neglected habitation, have drifted away to grow old, or die, as God has willed, in other places. But our ancient substitute for a church still remains, solitary in its loneliness and littleness, like something forgotten by the wayside, the last of the old town in the day of its small things.

The Death of Archer — Falls City was made possible by the death of old Archer, not perhaps by the process the Greeks called metempsychosis, by which it was believed by them, and by Brahmin philosophers in an older age, that the soul of one dying would pass into the body of one about to be born — in other words, in the transmigration of souls, but from the fact that Archer had become untenable as a site for a town and the

Falls City location afforded better facilities for the purpose. Certain it is, there was a pretty large transmigration of souls on foot and otherwise, from the wreck beyond the Muddy to the new town to the south.

Archer was laid out as a town by that name on what he supposed to be public lands of the United States, shortly after the erection of the Territorial government, in the fall of 1854.

The western line of the Half-Breed Tract, a body of land between the two Nemahas, that had been reserved for the half-breeds and mixed bloods of certain Indian tribes, as then located, was about one and a half miles east of the site of the proposed town. That line had been surveyed and established several years before, and was known as the "McCoy line."

After Congress had created the Territory of Nebraska, a move was made to have the treaty of Prairie du Chien, made in 1830, under the provisions of which, among others, the reservation was made, executed, by allotting the land in severalty among the beneficiaries named in the treaty. To that end the Indian officer caused a census to be taken of the half and mixed bloods of the tribe named, which were, as I now recollect without consulting the records of the Yankton and Santee bands of Sioux, the Omahas, Otoes and Iowas.

While this was going on, some enterprising land grabber, or maybe several of them, induced the authorities at Washington to cause a resurvey of the boundaries of the reservation, and the mischief was done. By the provisions of the treaty, the boundaries of the reserved tract were to be ascertained by surveying ten miles up each river, from its confluence with the Missouri, to points thereon, and then by a straight line between these points, which would mark the western boundary, while the Missouri would form the eastern. The McCoy survey was made by following the river in its sinuosities, which was the only way a sensible and fair surveyor could execute the calls of the treaty. When thus made, the western initial point on the Great Nemaha was located about the mouth of the Muddy, and a line drawn from that point to a like point ten miles west of the mouth of the Little Nemaha, left Archer about a mile and a half west of it.

The new survey was made on an entirely different basis of operation. Instead of following the meanderings of the river, the

surveyor, whoever he was, started at the mouth (or somewhere thereabouts) and ran a straight line up the valley, to a point ten miles west, which moved the initial point on the Great Nemaha for the line to a corresponding point northwest on the Little Nemaha, about four miles further west; and when the line was run it located Archer on the Half-Breed tract. That gave the half-breeds a slice out of the public domain, four sections wide and some thirty miles long. Not a bad land grab.

Survey a Fraud — Of course, that survey was a fraud and a wicked one, and though it failed of success in the end, it nevertheless ruined Archer, and wrecked the hopes and plans, as well as the fortunes, of many worthy people.

This occurred some time in the latter part of 1856, and at the session of the Legislature that convened shortly thereafter in 1857, the final deathblow was given Archer by the removal of the county seat, located there by an act of the first Territorial Legislature in 1855, to Salem, seven or eight miles further west.

Charles MacDonald, a citizen of Salem, and a member of the Legislature, introduced a bill providing, with apparent delicacy, that if the commissioners of the county should ascertain that Archer was in fact located on the Half-Breed tract, they would at once move the county offices to the town of Salem; and immediately afterwards, without awaiting developments under the first bill, he introduced another, removing the county seat bodily, and at once, from Archer to Salem. Both bills were probably passed the same day, as the record shows that they were both approved on the same day. That was "the most unkindest cut of all," as those people of Archer were largely instrumental in electing MacDonald to the office, the powers of which he used for the destruction of their town. From that hour Archer was lost.

The most prominent of the men living there at that time were John C. Miller, Ambrose Shelly, William Level, W. W. Maddox, John Welty, A. D. Kirk, Frank Goldsberry, William P. Loan, and a greater number of other persons than I have space to name here. They were all involved in the wreck [of the town of Archer] and injured correspondingly.

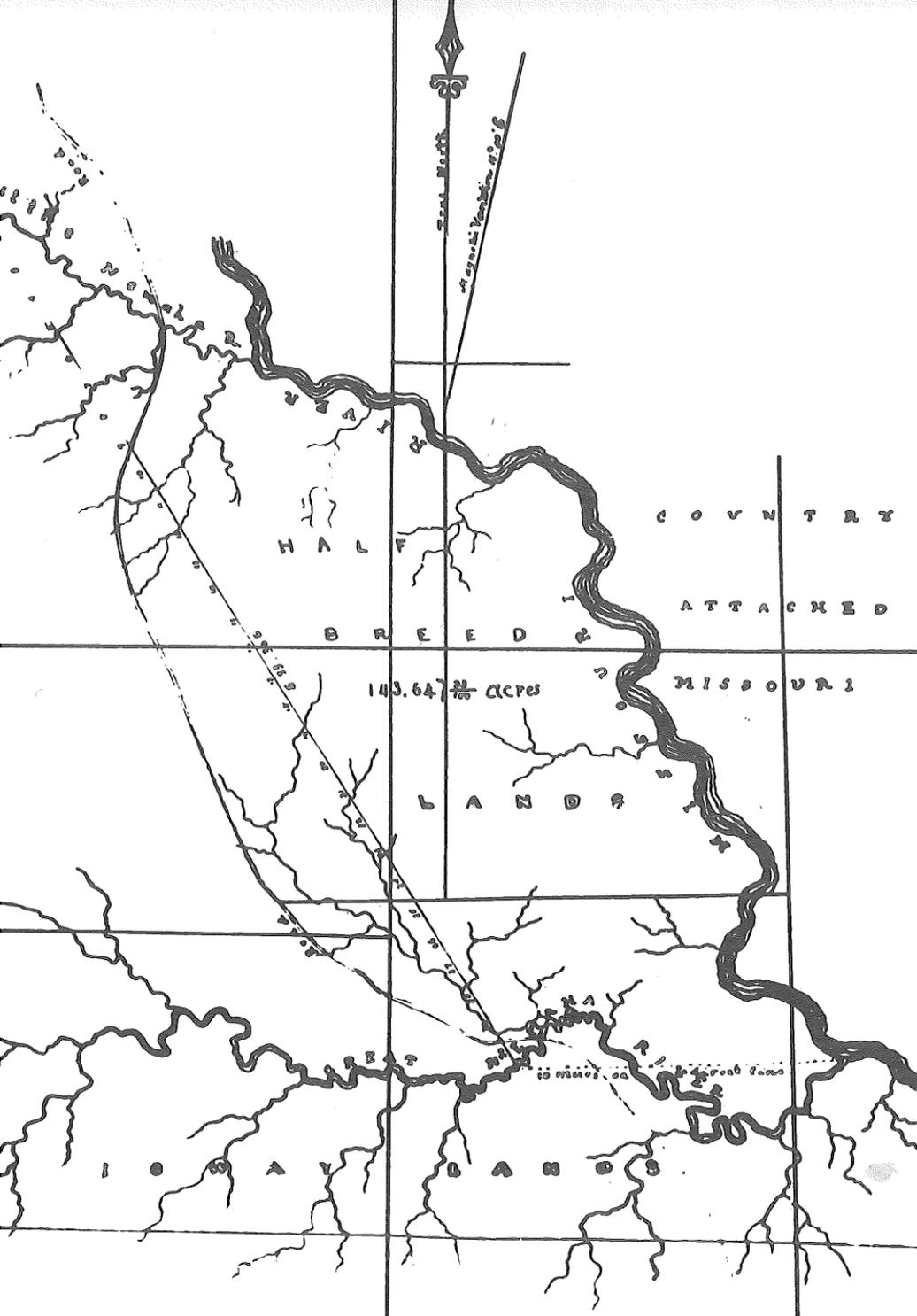
Kirk and Goldsberry went to Rulo, which had been started the year before; Loan went to St. Stephens, another town on the Missouri, some miles above Rulo, but as I recollect, he

passed most of his time at the house of William R. Cain, his brother-in-law, who was then engaged in opening a farm in the near vicinity. William R. Cain was long a leading citizen in this part of the country. The others wandered off in one direction or another, and to one place to another, but most of them to that land star-ward. It was a cruel thing to destroy that young community, and especially when no substantial benefit accrued to anybody or to any locality.

Three years afterward, that same Legislature, by the same arbitrary power, passed another act to take effect in the same month of the year and almost on the same day of the month, removing the county seat from Salem, and locating it at Falls City.

Judge Miller was probably the hardest hit of them all. He was among the first settlers, and had invested his all in the town and expected to reap the reward of a frugal and economic life in the anticipated prosperity of the town and the country. He had his family about him; was the first probate judge of the county, with every prospect of holding it as long as he desired it. But in an evil hour everything was swept away, and he was a ruined man in his old age. It broke his spirit and probably shortened his life. He died in 1860, and is buried with others of his family in the cemetery near where the old town stood. One of his daughters, Mrs. W. M. Maddox, is still a citizen of Falls City. She was married to Captain Maddox from her father's house at Archer in the year 1855.

In a previous place I mentioned the rivalry between the town at the falls and Falls City, and will now tell what came of it. The Hamilton brothers and their associate, Sackett, were young men and natives of Ohio, and full of energy and the enthusiasm of youth, but wholly unacquainted with the West, and especially the climatic conditions of Nebraska. They associated the water fall in the Nemaha with the idea they had of what such a power would be worth in their old state, and without hesitation concluded that it would be the very place to found the future manufacturing town of the country. The surroundings were certainly pretty to look at, and the conditions appeared favorable to the success of the schemes conjured up in the minds of those boys, but who, before the summer waned, were to learn, like all the children in the family of man, that there is a great lie out in the world and things are not always what they seem to be.



The west line of the Half-Breed Tract, which since 1830 had provided land for mixed-blood Indians, was redrawn in 1856 to include Archer, first county seat of Richardson County. Salem, as a consequence, became the county seat in 1857.

They naturally argued that there being an abundance of water in the river, flowing over a bed of solid rock, and then pitching down between five and six feet, a permanent foundation was thus furnished for mills or other establishments for manufacturing purposes.

Fourth of July Celebration — Early in June we concluded to hold a Fourth of July celebration, and our friends at Nemaha Falls heard of it and determined to have one, also. They strove to outdo us at every point and in everything. There was no shade of any kind in town, no grove, nor tree, nor any object that would cast a shadow of sufficient extent to cover twenty people. So we made one on the court house square, by setting posts in the ground with poles across, upon which we put boughs of trees cut in the Nemaha timber and hauled up for this purpose. In that way we made an arbor shady and snug, under which a company of three or four hundred strong could sit and escape the glare of a fierce July sun blazing above them.

A beef, as they called a slaughtered specimen of the bovine tribe, was provided to be roasted for the refreshment of the people, and other provisions were made for the entertainment and comfort of the crowd that was expected to attend, but where it was to come from was a mystery to me. It turned out, however, that there were more people in the country than I thought for. They came from all over the county and we had a crowd of several hundred people. A band of Indians in full native costume were secured to perform their traditional war-dance, under the auspices of their chief headsman, Po-to-ko-mah. He was a fine specimen of physical manhood.

Another and quite an unexpected one in that brand new community, was a kind of mixed band of music under the leadership of Jim Dye, consisting of five or six persons and as many horns and fiddles, who played all the staple patriotic tunes, and then some, and furnished music for the dance that night at Jesse Crook's new hotel building on the Richardson County Bank corner, lots 23-24, of block No. 70, then enclosed and nearing completion. They enlivened the scene greatly and added to the general festivity in a way possible only through the instrumentality of music, that wizard of the soul, the soother of the sorrowful, parent of poetry and religion, the charm of which has lingered on earth since the dawn of the eternal morning when the stars sang together the "Te Deum of the spheres, in glad acclaim of creation finished."

And now a word about the people who came that day to help us celebrate the annual recurrence of the day dear to all Americans. They are before me now as I saw them then, brave men and women, some of whom had crossed wide rivers and wider states, and come to this new and virgin land to subdue the wilderness, to work hard and live harder, to build comfortable homes for themselves and families, to open farms, to rear churches and school houses. They came in all shapes and manners of transportation: some on horseback, some in wagons, drawn by horses; some by a single horse, and I remember one family, consisting of paterfamilias, his wife and two daughters, in a wagon drawn by a yoke of cattle, with a strapping young fellow on foot driving them.

The old people were seated on chairs smoking their pipes, and seemed to enjoy themselves, while the girls were smarted up in new calico frocks and ribbons in profusion, with bunches of elderberries stuck in their hair as especial ornaments. The costumes of the people were just as grotesque and varied as their means of transportation. Nobody seemed to have on anything new, except the dresses of the younger females of the party and they were in most part of calico. No two men had coats, vests and pantaloons of the same cut, fashion or material, and all appeared to have been in service a long time, nor were there any two hats of the same fashion or any fashion. Nevertheless, their meeting with each other and their families were of the most friendly character. It is sufficient for the matter at hand, that we executed the common intention and celebrated in the usual way. Someone read the Declaration of Independence, and I made them a sophomoric speech, in which I have little doubt, a great deal of spread-eagle nonsense abounded, but it was a boy's effort, delivered in perfect recognition of the solemn occasion and, whether well or ill performed, did its office, and that was enough. The Indian war-dance followed, and then the public dinner consisting mostly of beef and bread; but the interesting part of it to me was to watch the Indians take their refreshment. Have any of the readers seen an Indian — I mean a regular blanket Indian, fresh from the wild — from the plains — eat? Well, if they have not, they have missed something. A native Indian, and they are all alike, as I know from actual observation, never eats but one thing at a time. Give him meat and bread, and he will eat the meat first, and then perform the same office with the bread.

They never eat these two articles at the same time. It was a new and amusing experience to me, and I watched the process with close attention.

How a Town Took a Bath — Our friends at the falls had their celebrations also, and Judge Dundy made a speech for them, and in that particular outshone ours on the hills; in all other particulars ours was the best and pleased the people most.

There have not been any other celebrations at Nemaha Falls, and for the following reason: About three weeks afterwards there came upon the country one of those sudden rainstorms, with which the people of this region are familiar, and within twelve hours thereafter the whole Nemaha valley, from bluff to bluff, had become an inland sea. I have seen many floods in the valley since, but I have never seen one that I thought equalled that. In that case the settlers were all driven out, many of them running narrow risk of drowning along with their families. Much of their live stock was drowned, and all of their improvements were destroyed.

But what of our rival town at the falls? When the flood had subsided the town was found to have gone with it, and the future manufacturing center of the country had ceased to exist. Most of the people in the valley came to Falls City, and never went back, Stumbo foreclosed his mortgage on the townsite, bought the land at sheriff's sale, along with the ghost of the departed village, and the story of the once-boasted municipality of the future, was closed forever.

The flood in the Nemaha valley was a revelation to the people. No one appeared to have any idea that the stream was subject to such freshets and the prestige of the bottom land over those on the high ground, suffered materially. There has never been any considerable farming in the valley of the Nemaha east of Salem. About the time this flood occurred, some lawless persons, either the same night, or the night before, relieved several of the people of their horses, and fled with them into Kansas. As soon as the word got about and a party could be organized for pursuit, Wilson M. Maddox, young William Goolsby, son of William G. Goolsby of the Muddy, and some others constructed a raft of some kind, crossed over to the south bank of Nemaha, and pursued the thieves until they captured four persons, they believed to have been engaged in the depredations and returned with them to Archer. No

attention was paid to territorial lines or the law of Congress regulating extradition of fugitives from justice, escaping from one territory or state into another, but regardless of all of these the pursuing party I have mentioned captured their men and brought them into Nebraska for punishment. To that end word was passed through the neighborhood, and nearly all, if not all, the leading citizens in the vicinity assembled at Archer to consider what should be done in the way of ascertaining the guilt of the persons accused and also to take order in the matter of their punishment. There was no criminal code in the Territory at the time.

Judge Lynch Holds Court — Two of those parties hearing that there was a lawyer at Falls City sent word to me to come over to Archer. I did so, and listened to their story and became convinced that at least two of the parties were not guilty and so informed Mr. Maddox, and those he had called to his assistance in the neighborhood. It is a fact everywhere true in the West at that time, that the people held in greater detestation the offence of horse stealing than they did any other of the whole calendar of crime. I shall give the name of but one of the parties accused, as it is possible the others may have some friends in the country and I have no disposition to wound their feelings by what I here relate of the disagreeable incident in which they were in no way involved, and which may have been a mistake from the beginning. The man whom I thought to be guilty, without any doubt, was named Sam Thomas. He was a young man of bad repute and had been in the Kansas troubles from their inception, and it seems had graduated in the art of horse stealing. He was certainly an adept. There was no particular organization of a court such as is known to be presided over by his honor, Judge Lynch, or requiring a committee of inquiry like a trial by jury, but the people consulted and talked among themselves and with me very freely, very candidly, and they finally became satisfied that I was right as to two of the party, let them off, but the other two, the one besides Thomas, were condemned to be whipped — fifty lashes for Thomas and twenty lashes for the other one. This was my first appearance in any court in Nebraska, and it was about as revolting an experience as anybody could care to undergo.

I had heard and read of Judge Lynch's court, but had never seen it in operation. I had also heard and read much of the mobs, disorders and unlawful assemblage, the ostensible objects



Sawmills were practical in the area close to the Missouri River due to the heavy growth of timber. This steam sawmill was operated by John Shook of Barada Precinct in northeastern Richardson County in 1879.

of which were to administer summary punishment for infractions of the law, without waiting for the regularly constituted authorities to take action in the premises; but this was the first of the kind that had come under my observation, and in fact, it was the last of the kind.

There was nothing violent in the conduct of the men assembled on this occasion, and those of the men present whom I remember, I knew to be then and for the rest of their lives afterwards, as good citizens as any orderly members of the community to be found anywhere. They talked the matter over very seriously and in the light of the circumstances surrounding them and their property. At that time there was no law or code, nor other public protection from depredations of this character. Up to that time there had never been but one court held in the county, and there was not another one until in March, 1859. It looked like a cruel piece of business, and it was disassociated from the idea of punishment for lawlessness. The victims were bared from the waist up, their feet tied together, and their hands securely tied to the wheel of a wagon, with their bodies slightly bent over while receiving punishment. In the case of Thomas it was arranged for five men to give him ten lashes apiece, and [in]the administration of the punishment I had an excellent opportunity to judge of the nature of the men who inflicted the punishment. The instrument of torture was a green hickory withe, probably four feet in length and a half an inch in diameter at its thickest part. This terrible weapon, in the hands of a strong man, applied with his full force to the naked back of a human body, was a sight I hope never to see again while I remain in the world. I refrain from giving a particular description of the strokes as they were applied to those unfortunate men. The remembrance is too horrible to put on paper.

Some of the accounts I have read of man's inhumanity to man in the darker ages of the world, came vividly before my imagination. The instruments of torture that man's cruelty to his fellows have invented — the thumbscrew, the boot, the breaking of the wheel, suggested themselves to me while this terrible ordeal was in progress of enactment before my eyes.

Among the five who administered punishment to Thomas, one of them whose name I will not mention, touched the poor, writhing, quivering, tortured body so lightly that a fly would

not have been destroyed by any of the strokes. This man was not loud in his profession of religion, if indeed, he made any profession of the kind at all, nor was he demonstrative in any way touching the comfort and well being of those about him, but the whole nature of the man was laid bare to me in the mode in which he pretended to whip that outcast. The criminal was a lawless man and all that, but at the same time he was a human being with the image of his Créator stamped upon him, and it was consideration for the Being Who bore that image, and not the horse thief, that controlled the strokes of the whip in the hands of the man I refer to. The next man to the fore and the last of the detail, was a certain Mr. Wright, whom I had seen about Falls City during my brief residence there, and whom I had frequently observed at public religious services, where he was prominent in all that went forward, and withal rather loud in his devotions, so loud, indeed, that I became possessed of some doubt of the sincerity of his professions. He was one of specific "kingdom-come" class that are to be found wherever men are found on the earth, who arrogate to themselves the whole authority of reforming the world, without taking into account the probable unimportant fact that they themselves need about as much reformation as anybody else.

At the call of the master of the ceremonies he stepped forward, took the instrument of torture, and with his whole force laid it across the back of the already bleeding and maimed victim, each stroke getting harder if possible, than the one preceding, until Uncle William Goolsby, his eyes flashing with uncontrollable anger and indignation, caught the hand of the murderous monster and wrenched the whip from his grasp, saying, "Stop, you brute, there is enough of this," and throwing it on the ground ordered the man untied. In the hush that fell upon the infuriated company, concerned for the safety of their property rights, and for the good order and well being of the community at large, at this sudden assertion of that feeling of mercy that distinguishes the civilized from the savage, that one "touch of nature that makes the whole world kin," there was produced among them a strange commotion, confused and undefinable, but as potent as though each had heard the voice that once declared and is always declaring, "Blessed are the merciful, for they shall obtain mercy." The feeling produced in me has never passed away. The balance of that gruesome

function was performed in a kind of a perfunctory way, and all departed feeling, I little doubt as I felt, that the less of such exhibitions among the people the better it would be for the general public morality. From that day to this, mob law has but once been resorted to in this county.

One man had been hung but a few days before at St. Stephens for the same offense, but it was the last. Some years later some three or four road agents of the kind I have described were hanged by a mob at Table Rock in Pawnee county.

First Funeral in Falls City — Before the summer waned and the woods along the river to the south took on the russet and golden hues peculiar to the autumnal season, something happened in our little out-of-the-way community — something that always occurs in the haunts of men all over the world — one of our people died. It was the first visitation of the grim monster, death, to the new town, and it was all the more sad because of the fact that the one to go was a little girl of ten or twelve years of age, who had through all the long summer weather, been a patient sufferer from some lingering disease, which, with no medical assistance at hand — there was no doctor in town nor in the county for that matter — had baffled every effort of loving parents and the kindness of humane neighbors to stay its slow but deadly work of destruction of the frail life in a frailer and wasting body, and on a quiet Sunday morning, when far-off church bells in other lands were calling the people to hear the oft-told story of another life, another death, and triumphant resurrection, the little one ceased from among the living, and the mysterious purpose of her existence on earth was accomplished.

Death under any circumstances, and at all times, is a very sad and sorrowful affair, but when we reflect that it is just as natural for persons to die, as it is for them to be born and live, we must conclude that it is quite as necessary in the eternal economy as any other inevitable condition. All the other persons besides myself, William E. Dorrington, then a lad of but eleven years, and John Edward Burbank, who lived in the town or assisted in those humble obsequies of that little child of the wilderness, have themselves gone the way whence they, too, will not return. She was the daughter of Isaac L. Hamby, a gentleman whom I have mentioned several times in these memories, and who lived in a cheap and illy-constructed house,

or rather a shanty, that stood on lots 13 and 14, of block No. 134, at the corner of Ninth and Stone streets, on the corner south of the National hotel. The house was no better, nor for that matter very little worse, than the dwellings of most of the people in the town, but it was anything but a comfortable habitation for people in good health, and certainly no place for a person with a lingering disease, where every hour was an eternity of suffering. It was a mere shell, with no foundation under it and no plastering, or partitions, except some brown sheeting stretched across, dividing the inside space into two compartments or rooms, and that was all the privacy for the family, afforded by it. The winds, and they were sometimes a gale, and the rain, ran riot about and through the rude structure, with its thin coating of cottonwood boards that the sun had warped out of shape in many places, leaving ample space for the elements to enter without hindrance. There was no tree or shrub, no front yard, or garden; nothing but the boundless sea of prairie, stretching away in all directions, the distant horizon and the blue arch of heaven overhead. The furniture was in keeping with the poor appointments everywhere, only the commonest for the necessary use and nothing for ornament or comfort, for the occupants.

This was poverty, but not the kind of poverty that accompanies squalor, filth, drunkenness, destitution, hunger and dirt, to be seen in the slums of the overcrowded tenement districts of the great cities, but poverty of means to utilize the superabundance of nature, that was everywhere going to waste because of the want of such means. This has been characteristic of the frontier on this continent for three hundred years. The pioneers have always been poor in that sense, but in sober truth, they were the richest people on the globe — teeming with a wealth of courage and hope, stalwart empire builders, who made present conditions possible, including that splendid spirit of intellectual emulation now rife among good people, many of whom can sport a good automobile.

People Not Different Then — The people were probably no different from what they are now, but in a way I can hardly explain, they showed their sympathy for the bereaved family by little acts of kindness, so delicately administered, as to make them appear when recalled at this distant day, totally unlike anything of the kind to come under my observation, before or

since. The surroundings, no doubt, and the fact that it was the first death to occur in the town, coupled with the further fact that the little child had to be put away in a lonely grave by itself on the wide, silent prairie, had much to do with it, but the impression was produced just the same, and has never been removed. The arrangements for the funeral were very simple and of the most primitive and inexpensive character, as of necessity they had to be. Squire Dorrington, who was a skilled mechanic, made a coffin out of some green walnut boards — there was no seasoned lumber to be had — and carried it on his shoulder to the house of mourning.

The good women of the town were there in force and among them they constructed an old-fashioned shroud of the best material to be had in the market, and it was like everything else, of the rudest description; and having clothed the worn and wasted little body with the last garment of all living, it was tenderly placed in the coffin upon which a few wild flowers some friends had gathered on the prairie were laid, and thus the bier of the first of the dead of this community stood confessed.

We buried the little one on the following afternoon, but with scant ceremonials. There was no minister of the gospel of any persuasion in the town at the time, and therefore, no services of a religious nature was had at the house, but it was decided by some good ladies, Mrs. Van Lew and Mrs. Burbank, who were members of the Episcopal church, that the service for the dead prescribed in the prayer book of that denomination, should be read at the grave, and I was asked to perform that duty, which I did as best I could. There was no cemetery, but we started one that day on a school section just west of town, a kind of noman's land or Tom Tidler's ground, and it grew from year to year. The land was purchased from the state by authority of an act of the Legislature, a regular cemetery association was formed, and for several years all the dead of our people were buried there. As neither soil nor the location was best suited for the purpose, another site was procured to the north of the old one, and on the highest ground in the neighborhood, which Joseph Steel, the owner, donated under certain conditions, and it has come to be the chief burial ground for the dead of the whole state.

During the half century that has elapsed since that day, have attended many funerals and witnessed many sorrowful

scenes in connection with them, but I have seen none that impressed me as that did. It seemed to me a cruel thing to bury her in the solitary waste, alone in the brooding silence of mighty nature, there to remain forever, to be first neglected, and then forgotten. I was younger then and more impressionable, perhaps, on that account, but be that as it may, I shall never live long enough to get away, in thought at least, from that humble funeral procession, formed on foot, following the two-horse lumber wagon in which reposed all that was mortal of one of those little ones, whom the Master said was typical of the Kingdom; nor will I ever get away from that strange feeling of sadness, with which I scattered a handful of cold earth on the coffin below, and pronounced the words of the ritual: "Earth to earth, ashes to ashes, dust to dust."

The County Seat Fight — The summer of 1858 came to an end as all terrestrial things do, shading itself into the autumn and the autumn into winter, and then the snow and the blizzard, and the storm of a heated — yes, red-hot county-seat fight that lasted for many a year after.

As remarked in a former paper, the removal of county seat government, by act of the Legislature, from Archer to Salem, was not at all satisfactory to the people, and the demand that the Legislature provide for the submission of the question to a vote of the people, was general throughout the county. It would doubtless have been attended to by the preceding Legislature, which met at Omaha in the winter before, viz., 1857 and 1858, but for the fact of the split that occurred in that body, by which one faction moved up to Florence, an old Mormon town, while the other remained in Omaha. I have heretofore mentioned this circumstance, and it is sufficient to say that neither faction was the legal lawmaking power, and no law was made. The one, however, that we elected in 1858, and convened in October following, by proclamation of the governor, passed an act empowering the commissioners of the county to call an election for the purpose of choosing an permanent seat of government, by the vote of the people.

The law provided that in the first election every town in the county could be a candidate for that honor, but if no one of them should receive a majority of all the votes cast, the commissioners should call another election, and only the four towns receiving the highest number of votes at the first election

(assuming that there should be more than four contestants for the place), could be voted for at the next, and if none of them should receive a majority, then the two highest . . . to be selected as candidates in the third and last election, which would, of necessity, end the contest. By the terms of the act, the elections were to be called in quick succession, and were, in fact, held in the month of December. There were several candidates, Rulo, Winnebago, Yankton, St. Stephens, Archer, Falls City, Salem, Geneva, Middleburg, and maybe some other points, but as only the four highest could be voted on at the second election, the others are unimportant. The first battle was to be one of the four, and to win out must be one of the two in the last heat and the highest, in the number of votes; in other words, the winner must take all the tricks. It was Falls City's hour of trial, and though she took all the tricks and came out ahead in the final and last election, she was later deprived of the fruits of her victory by a so-called contest of the election, which by statute, was heard and decided by the county clerk, who proved to be an unfair and dishonest official, who held against Falls City and gave the county seat to Salem, notwithstanding the proofs showed that a clear majority of the votes had been cast for Falls City.

Efforts Renewed — It was easy to see that the election had settled nothing, and that the whole controversy would have to be submitted to the arbitrament of the ballot again, and under circumstances controlled by safeguards that would not only evoke from the people their untrammelled expression on the subject, but would see to it, that that expression was not thwarted by trickery and dishonest officials. The battle had been a hard one, and though tricked out of our success, we were by no means subdued, and preparations for a renewal of the contest with greater vigor than ever, were at once set on foot.

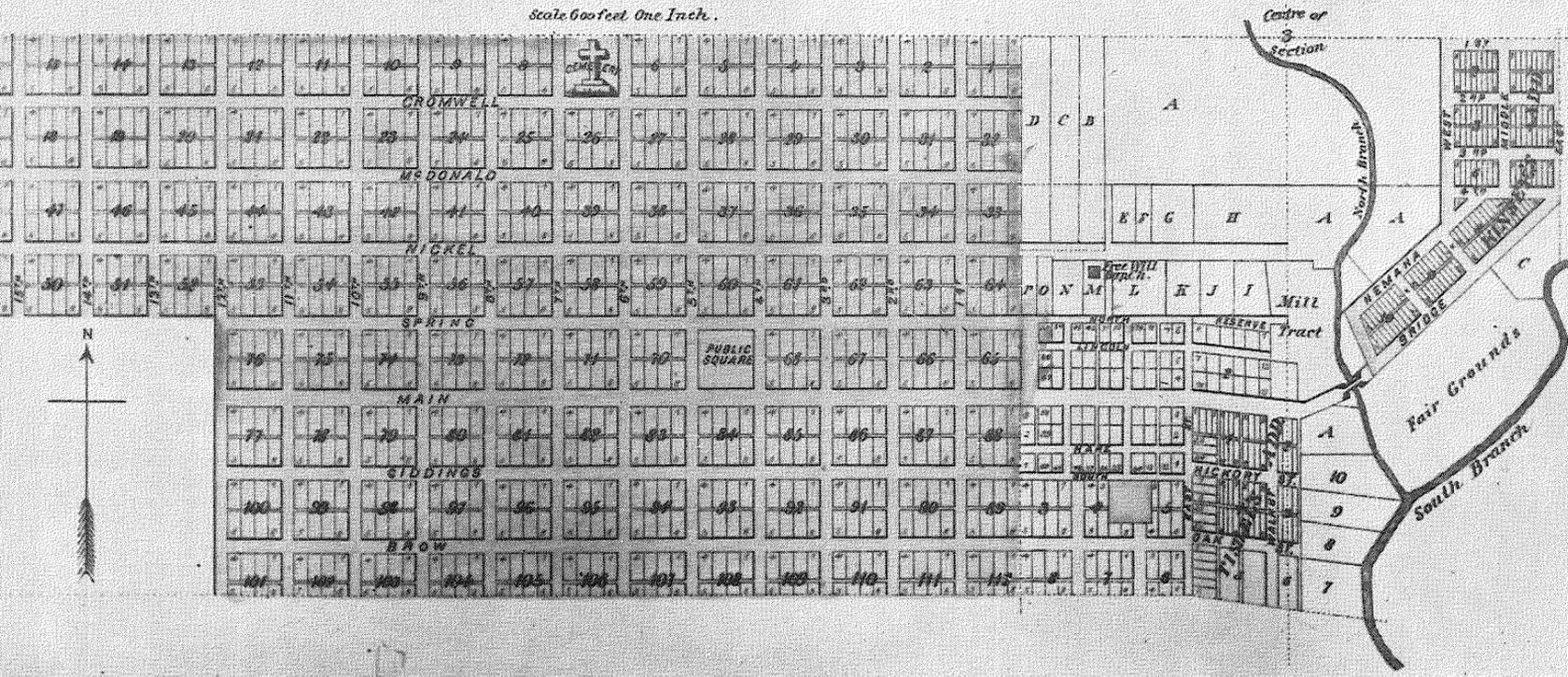
There are not many in life today who remember that first bout in our county-seat fight. I can call to mind less than half a dozen people who participated in it, and as some of them will probably see what I here say about it, I will take it as a favor if they will indicate any inaccuracy of statement they may observe in my version of the facts, and rest assured that all proper corrections will be promptly made.

And now let me indulge in something of retrospection. To bring before my mental vision the times, the scenes and the

SALEM

RICHARDSON CO.

Scale 600 feet One Inch.



Salem, second county seat of Richardson County, finally lost out to Falls City in 1860.

principal actors in that long past struggle for local political supremacy, I must bring back the vacant country, abolish the court house, the prosperous towns, the railroads, the splendid farms, with their comfortable dwellings, barns and rural improvements that mark the intervening years of progress; think away the fine church buildings and the school houses, public roads and bridges, of iron and stone; resurrect the dead and reinstate the wild waste and wilderness — things of a day that is dead, for in no other way can I present what I have in memory, blurred and faded as they are, by the flight of so many years; that what I write may become intelligible to others. The conditions were very primitive and the surroundings exceedingly poor, but everybody was full of energy, vim and hope, and the coming county-seat scrimmage was something looked for. Falls City, a little hamlet of six or eight hovels that looked like they had run away from somewhere and got lost on the prairie, had some fifty or sixty people living in it that spring, and had something like one hundred and fifty when the fight opened. When it became known that the act had passed authorizing the people of the country to settle the county-seat question in the mode I have mentioned, a council of war was held, noses counted and our general resources in the way of votes taken into account. We had many friends on the Muddy and its affluents — the McElroy, Goolsby and Sardine branches; quite a good number on the north and south forks of the Nemaha, and on Long Branch in the northwest part of the county. There was but one voting place west of Salem; it was on the south fork of the Nemaha and not far from the west boundary of the county, at the house of David Speiser. That voting place had always retained the name and the country in the southwest part of the county is now known as Speiser township. It was arranged that some of our people should attend that poll, and as it had no candidate — and as it was the only subdivision of the county that had not — we expected a good vote for Falls City, as all the people in the west end voted there and the field was a good one to labor in. William Simpkins, who lived on the Nemaha just above the falls and who was the owner of a team of horses and a wagon, Jesse Crook and myself, were detailed to go to Speiser for work on election day.

Simpkins furnished the transportation and our election committee furnished all the rest. It was extremely cold weather and we were forced to make the trip by easy stages, and to that

end we left Falls City the day before, went by the way of Salem, where we procured a supply of electioneering ammunition, which we carried in a jug, and thence by the way of North Fork intending to pass the night at the house of John Rothenberger, a well-to-do German settler and a warm friend of our town. Mr. Rothenberger lived on the north side of the river, at a point a few miles west of the present town of Dawson, and I believe his son of the same name, John Rothenberger, is now the owner of the old homestead. From Salem we traveled between the Nemahas, and to get to Mr. Rothenberger's we had to cross the river, which we could not do with the team because the river was hard frozen and the banks were so steep as to make it dangerous to try to take the horses over.

It was dark when we reached the place for the crossing and as there was an old log stable on the south bank of the river, we put the horses in it and after feeding with corn we had in the wagon for the purpose, we prepared to cross over to Mr. Rothenberger's house, which stood not far from the river. Crook and Simpkins, both much larger and heavier than myself, got over all right, but when I made the attempt and had reached about the middle of the stream the ice broke under me, and I went down.

An Ice Bath and Its Sequel — I threw out my arms and caught the firm ice on each side and by a quick muscular exertion of my arms succeeded in throwing my body out of the water and on to the ice. I never could determine how I did it, but as I was young, active and light weight, my quick movements prevented any serious consequences. Anyhow I got out of the river and over to the north side in double quick time, but my clothing was thoroughly soaked with water, and before I got to the house, short as the distance was, every rag on me was frozen as stiff as a board.

Mr. Rothenberger and his excellent family welcomed us to his hospitable roof and, ascertaining my predicament from the cold bath I had just been treated to, a suit of Joe Watton's clothes was furnished me and a room provided in which to make the change, when the young ladies, and I think there were three of them, took mine to the kitchen fire, where they were dried and ready for use in the morning. I have never been more kindly treated, and I don't remember of a time when I needed it more. But I have a sequel to relate in connection with that fall in the river which I will attend to presently.

We passed an agreeable night with our friends and after a hearty breakfast in the morning we went over to Speiser precinct and put in an active day among the voters, assisted by Mr. Rothenberger, Joseph Watton and some others from both forks of the river, Long Branch, Easley creek and other points, and when the votes were counted Falls City had received a very comfortable majority. When the votes of the county were canvassed, Falls City was found to be not only one of the four for the next race, but had received the highest number of any of them, though short of a majority of the whole. The high towns were Falls City, Salem, Rulo and St. Stephens, and about two weeks later another election was held with those named as candidates. In that election Rulo and St. Stephens fell out, and the final tilt occurred between Salem and Falls City, with the result above stated. What followed as a consequence of that election contest and the unfair decision of the county clerk who heard it, will be detailed in my next paper, but just now I have something to record as a kind of addendum to the ludicrous circumstances of my falling through the ice on that freezing December night, fifty years ago.

It was, I think, about twenty years afterwards, and when the episode had passed from my recollection — I was engaged in the trial of a cause in our district court. My client was defendant in a suit for damages committed by trespassing animals on the growing crops of the plaintiff. Among the witnesses for the plaintiff (who was Herman Tiehen, an extensive landowner, west of Salem, and, until his decease, one of our most valuable citizens), was a lady of whom I learned was Mrs. Tiehen, but whom I did not recognize as anyone whom I had ever seen. I was given an opportunity to cross-examine the witness and did it with something like this:

“You are, I believe, the wife of the plaintiff.”

The witness said “Yes,” but the manner of saying it accompanied with the amused and quizzical way she looked at me, was somewhat puzzling. I put another question, when she broke into a pleasant laugh, saying “You know me.” She evidently thought I was pretending not to know her, which was an error, for at the moment I had not the slightest notion that I had ever seen her anywhere. Then, with a still more amused manner, “You haven’t forgotten the night you fell through the ice on the Nemaha, and I and my sisters dried your wet clothes

by the kitchen fire? You know me." The old experience came back to me in a flash. I was back in the infernal river again, and what was more, I was in a considerably worse fix, for I was being laughed at by everybody in the court house. The crowd had got on to the ridiculous figure I cut scrambling out of the river, wet to the skin, my clothes freezing on me, and I making a bee line for the house and a fire. Entering into the spirit of the fun that was then rampant around me I said, "Yes, I remember, and you are a daughter of Mr. Rothenberger. It has been a long time since I saw you, and I certainly did not know you as Mrs. Tiehen."

Well, the incident passed off very pleasantly, but I must say in all candor that I was never so badly sold in the whole course of my life.

County-Seat Struggle Continues — With the close of the year 1858, our first battle for the county seat came to an end, that is, so far as the three elections I have heretofore described, were concerned. But we were not entirely through with the struggle.

Our friends at Salem were not satisfied with the result, and proceeded to institute proceedings to contest our right to the majority that the final poll gave Falls City. In the above I stated that the proceedings were held before the county clerk.

In that I was in error; it was before the probate judge of the county, who resided at Rulo, where he transacted most of his official business, but he sat at Salem, the county seat, to hear the election contest. I have before said that a very bitter political prejudice was entertained against Falls City by the people of both Rulo and Salem, and it was a fact pretty generally recognized at the time, that the probate judge as an individual, shared in the prejudice to a very great extent. So much, indeed, as to render him unfit to hear the case, as it was out of the question for him to do so and render an impartial judgment. But we were powerless to help ourselves and the show had to go on.

Dan McGary, the leading lawyer of Brownville, was employed on behalf of Salem, while Falls City employed Dundy on his return from the Legislature, and myself. The trial lasted the greater part of the month of January, much delay being caused by Dundy having the ague, and an adjournment was necessary about the same time every day to allow him to undergo his usual shake and spell of fever. It was not a comfortable

experience, but he stood it like a hero, and when not freezing with a malarial chill, or burning up with the resultant fever, he put in his best licks for Falls City and fought manfully for the right of his client. But who can fight blind, unreasoning prejudice? Nobody that anybody ever heard of.

Well, we fought it out as best we could, and lost, of course. A considerable number of our people attended the trial from time to time, and as the town was not well supplied with a public hotel, and most of Nebraska towns at the time were in the same fix, we were generously and comfortably entertained at the home of Mrs. Oliver, a widow lady, and the mother of Mrs. John W. Holt as a sprightly little miss in those days.

The Broadaxe, Falls City's First Newspaper — In the month of December 1858, or somewhere about that time, J. E. Burbank and Sewel R. Jameson started a newspaper at Falls City. It was called *The Broad Axe*, and was sort of a continuation of one they had operated at Centerville, Indiana, the former residence of the Burbanks and the Jamesons. They had a small hand press and some type, and Jameson being a practical printer, the enterprise was set on foot to help Falls City, and to amuse, if not instruct, the people in this part of the new political community of Nebraska. At the same time A. D. Kirk started one at Rulo, which he called *The Rulo Western Guide*, and it was not long before a fierce newspaper war broke out between them of a grossly personal character.

From a dog fight to a newspaper war, or any other conflict, great or small, in which prowess, valor, grit and gallantry may be displayed, the sympathies of the partisan zeal of the Anglo-Saxon are sure to be enlisted, and if he can in any way get into the row himself, he will be all the better pleased. The newspaper controversy — principally about nothing — between those papers, ultimately drew the people of the two towns into it and the . . . hatred between them became intensely bitter and remained so for many years afterwards. The ancient wars between the old Scottish clans were no more vengeful in the hearts of their people, than it was among the inhabitants of these two hamlets, whose rivalry had an immediate respect only to which could show the greater population, and in time to come to be selected as the seat of government of the county.

I have already told in another paper in this series what followed the election in April, 1860, which finally resulted in

giving the county seat to Falls City, and I need say no more under that head.

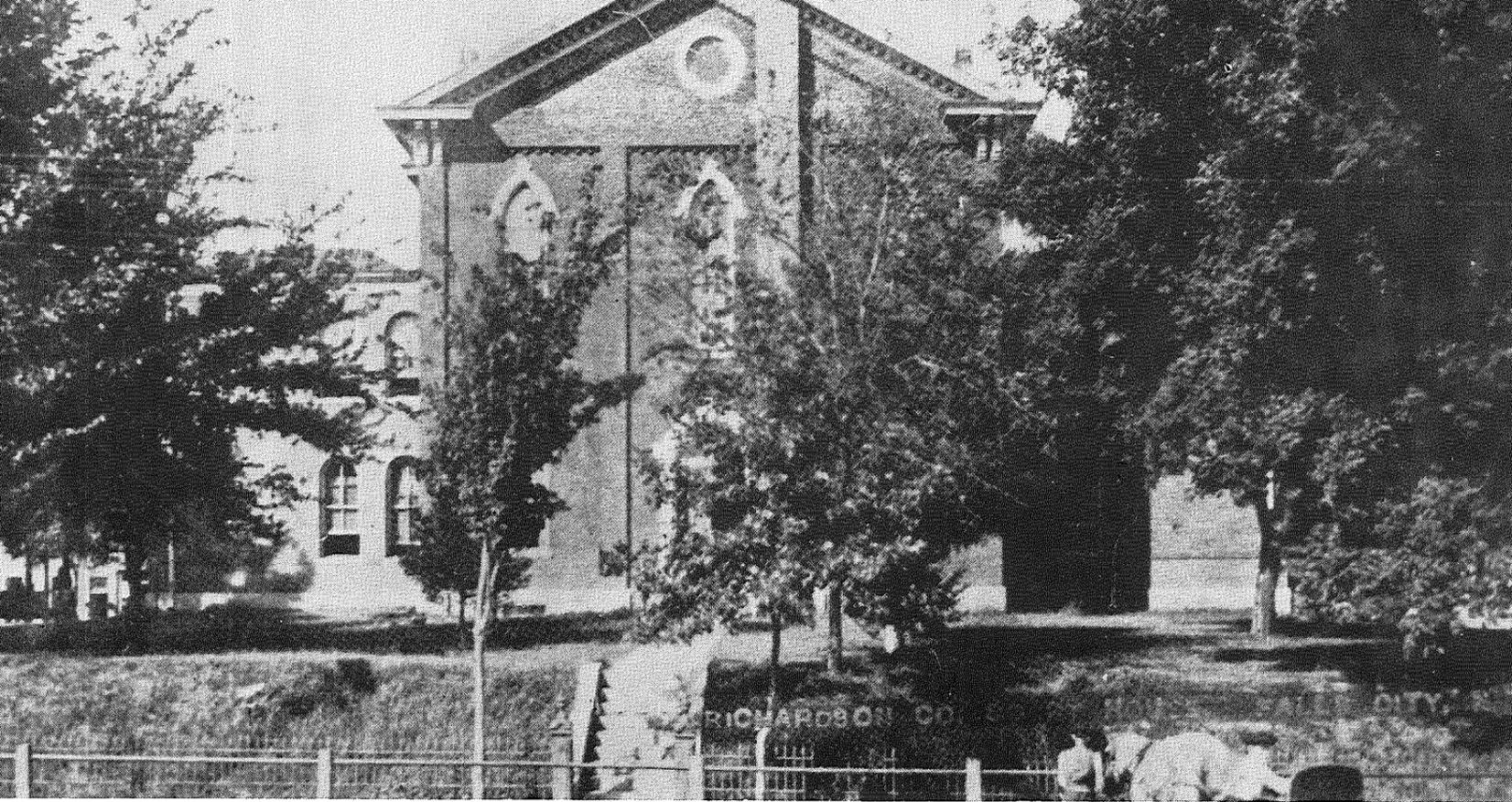
The row between the *Broad Axe* and the *Rulo Western Guide* was like most other shindies of the frontier, ridiculously absurd, senseless in its conduct and superbly indecent, not to say downright obscene, in the general matter contained in both. The public taste being in keeping with the low vulgarity indulged in by those papers . . . [the people] rather relished the weekly showers of mud and filth they threw at each other, as in the public estimate the battle of the rival towns was supposed to be involved in the issue — and, besides, they liked the fun. In all essential respects the contest was not unlike a similar one recorded by the inimitable caricaturist, Charles Dickens, in the “*Pickwick Papers*,” over an election at Eatanswill, between Pott, of the *Eatanswill Gazette*, and Slurk, of the *Eatanswill Independent*, but I lack the powers of description in a sufficient degree to present these Nebraska inky belligerents and their tempest in a teapot, as the great Englishman pictured the two *Eatanswill* social scabs, and clothed them with his own mantle of deathless fame.

The wrangle between the pioneer newspapers of this county was, however, a very harmless affair, but being the first, is entitled to mention in these papers. The editors themselves were not bad fellows, but were very different in temperament, taste and mental makeup. Of course, nothing in this world can last forever, and the storm of paper pellets spent itself in the course of a few months, principally for the reason that both editors retired from their posts, and the war-cry died out for a time, to be renewed by others on the tripods, more fierce than ever, till the county-seat question was settled, when the *Guide* faded out of existence and was heard of no more.

The Axe Continues to Chop — The *Broad Axe*, however, lingered along for ten years or more, and like a river I have seen in the mountain districts of the Pacific slopes, would sink out of sight in spots, to reappear further on, and continued that desultory, intermittent sort of existence, until by some process of newspaper metempsychosis, it passed into another under a different name, and this, the first of its kind, of long-time happy memory, followed the *Guide* to the shadowy land of dead newspapers.

The roll of its editors brings before me many faces familiar in recollections; faces of men who in another time, were co-pio-

neers on the Western border, and participants in laying the foundations of the present great and prosperous state of Nebraska. Sewell R. Jameson, its first, retired soon after its establishment, to take the office of receiver of public moneys in the land office at Brownville, which place he held for a time, with no particular credit to himself or anybody else. I shall not attempt to write his biography. It is already written in the lost lives of the mighty host of the 'dead from a social custom, sanctioned, or at least permitted by the laws of so-called Christian men, and the story of one of those is, in all essential respects, an exact duplicate of all of the others. In a lonely grave on the hillside near Brownville and overlooking the broad sweep of the Missouri, as it rolls its unsightly, muddy floods steadily down to the sea, rests all that was mortal of that young man, once of high hope, of good intellect and good intentions, but of no more account now to the busy throngs of the living, than the senseless clods that cover the frail, wasting body, beneath them. "What is man, that thou art mindful of him, or the son of man, that thou visitest him," when man himself is neither mindful of his kind nor merciful to it, but is even cruel in his disposition to forgetfulness and neglect. Mr. Jameson was succeeded in the Broad Axe by a tramp printer named Irving, a young man with some ability and a fair education, but the social custom mentioned had laid its withering hand on him early in the race, and failure was written against the enterprise from the start. However, he ran the paper at intervals for a year or two, and then threw it up and left the country. The next to take hold of the Axe, was a farmer named L. B. Prouty, who lived out on the Muddy near John R. Dowty's present farm. Mr. Prouty had learned the printer's trade when a boy, and was well equipped for the business of a country editor. Anyway, he took up the job some time in 1861 and held it down until 1865, or thereabouts, and was succeeded by Norman Pierce, from somewhere in Kansas, who was a better printer and a better editor than any of his predecessors. About the time that Argo was assuming great importance as a growing town, and its leading citizens induced Pierce to move the Axe down there to help boom the then metropolis on the river. He did so, and operated the paper there for several months, but with little profit to himself or the town. Norman liked beer too well, and there was an unlimited quantity constantly on tap and within reach, and as much of his ads and subscriptions were paid in



Falls City's second county courthouse (above) was built about 1875. It was razed in the early 1920's to make way for the structure presently occupied.

that kind of currency, the editor did what he could with getting away with at least what he considered his share, and it finally got away with the newspaper business itself, and the office was brought back to Falls City. The press and material belonged to Jameson and Burbank, and they allowed any person who would undertake the job of printing a paper, to use them without cost, hoping someone would make a success of it and buy them out. This I think, took place, but it was near the decade of 1860, but as I am not writing of that time, the fact is not important at this moment.

The next and last of the Broad Axe editors was Judge Jonathan James Marvin. I have it in my mind that he took charge of the office about the year 1866, but I cannot be accurate as to the time, as I have no data at hand by which to fix it, but it was somewhere thereabouts. As run by him it was a different paper to any previously published in the town. First, because it was free from all personalities, and was devoted to the publication of the current news of the day, interspersed with articles on literary subjects at intervals, that lovers of the higher order of literature would be delighted with, in a new country as this was then; books of the belles-lettres kind were scarce indeed. Second, because Judge Marvin was the most accomplished classical scholar then in Nebraska, or that has ever been in it since for that matter, and the products of his pen were marvels of style and elegance, such as are never met with in the ordinary rough and tumble country publications.

Judge Marvin in the Wrong Place — He had been educated in one of the Canadian colleges, but himself was a native of the state of Vermont, and chose the law as his profession in life, studying in the office of his grandfather, Judge Janes, who had been chief justice of the supreme court of that state. He came of a great race of lawyers, but I was always of the opinion that he made a mistake in trying to be one himself. I suppose there is some place in the world for every man who has the misfortune to be born into it, but sometimes, and generally a good many times, the wrong man gets into the wrong place, and failure, or at least, incomplete success follows, for which the man himself is held responsible and unjustly so. To me it appeared that Judge Marvin with his great attainments and splendid poetic fancy, for he was a poet in every fibre of his nature, should have been on the editorial staff of some literary magazine of the

higher order, where his powers of critical analysis, equal in grasp to Poe or Willis, could have had full play and the world of letters would have been enriched by the circumstance.

Untoward fate ordered his life otherwise, and it may be that I am mistaken, though I hardly think so, but I am very certain that he was out of his rightful element in trying to practice law in a rude frontier community, or indeed in any other, as his tastes and natural instincts fitted him for a field of operation widely different from the pugilistic contentions of a legal forum.

I have no apology to offer for what I have said of a man whom in life I admired and respected, and in whom I saw what I know many others did not see—an intellectual giant that fate had enabled pigmies to bind, as the Lilliputs bound a Gulliver, with fetters woven of their ignorance and narrow prejudices, mere threads of gossamer, but in combination of a social order as foreign to his nature as he was foreign to it, was sufficiently powerful to break his spirit and hold him in its brutal clutch with a tenacity of death itself. He was among them but not of them, and they killed the aspirations of a spirit too lofty for vulgar appreciation, and the pearl he cast before the human swine of his environment, shared the fate predicted for all such.

Such was the man who had editorial charge of that first newspaper enterprise in our city, during the last year of its existence, until it was swallowed up by one on a larger scale, but not of superior character. Inoffensive, modest and retiring, its editor quietly went about his duties harming no man, but doing the best he could for the town and its people, and whether that was much or little, it was done in kindness, and with a view only to the betterment of his fellows, and the community in which he lived. He was a citizen of Nebraska for thirty-two years, most of which time he lived in Falls City, and if he ever by word or deed placed a thorn in any man's breast I never knew it, and I think I knew him as well as any other. He gathered little gear in the shape of this world's goods, but he accumulated something better, something he could take with him out of the wilderness—ideas, the only commodity man can possess that has real value. From 1865, when he came home from serving his country in the army during the Southern War, until 1891, he went out and came in with his neighbors hereabouts, in peace and harmony; grew old on these streets, and died, regretted by all.

NOTES

1. Addison E. Sheldon, *Nebraska, The Land and the People* (Chicago, 1931), II, 458.
2. The writer is indebted to Nellie Reavis (Mrs. Daniel P.) McCleery, Beatrice, Nebraska, a granddaughter of Judge Reavis, for help in preparing this manuscript. He also wishes to express his appreciation to Elizabeth Gist (Mrs. M. U.) Burton and Anna Gist (Mrs. E. J.) Morehead, granddaughters of Judge Reavis, for providing the copy of the reminiscences of their grandfather.
3. Sheldon, *Nebraska*, II, 458.
4. *Ibid.*, II, 459.
5. The original of the letter is now owned by Judge Reavis' grandson, C. Frank Reavis, an attorney of New York.
6. "An Incident in the Life of Lincoln: His Letter of November 5, 1855, to Isham Reavis," *The Record of the Association of the Bar of the City of New York*, 20 (February, 1965). The writer appreciates receiving a copy from John W. Reavis, Cleveland, Ohio, attorney, grandson of Judge Reavis.
7. *Ibid.*
8. *Ibid.*
9. Mrs. Daniel P. McCleery to John S. Goff.
10. Sheldon, *Nebraska*, II, 461.
11. *Lincoln* (Nebraska) *Sunday Star*, October 29, 1922.
12. *Sunday Journal and Star* (Lincoln, Nebraska), February 12, 1939. In 1882 while visiting in Springfield, Illinois, Judge Reavis discovered that the Nebraska contribution to the Lincoln Memorial had never actually been made. Returning home, the Nebraskan was instrumental in accomplishing what had been authorized earlier.
13. *Lincoln* (Nebraska) *Sunday Star*, October 29, 1922.
14. Reavis file, Box 23, Department of Justice, Arizona, Appointment Papers, National Archives.
15. Oath in the Attorney General's Papers, Letters Received, Arizona, 1863-1870, National Archives.
16. Reavis to Chief Clerk M. F. Pleasants, May 6, 1869; Reavis to Attorney General E. Rockwood Hoar, July 2, 1869, *ibid.*
17. Details of the trip taken from a biographical form on Isham Reavis written by his son David Dorrington Reavis, November 12, 1953, files of the Arizona Historical Society, Tucson.
18. Reavis to Attorney General Hoar, August 21, 1869, Attorney General's Papers, Letters Received, Arizona, 1863-1870, National Archives.
19. Minutes of the Arizona Supreme Court, 1865-1893, Department of Library and Archives, Phoenix. The schedules for the various court sessions were frequently changed and varied from year to year.
20. Minutes of the Arizona Supreme Court, 1865-1893. This is the original unpublished set of records kept by the court in a large, bound volume.
21. *Acts, Resolutions and Memorials of the Fifth Legislative Assembly of the Territory of Arizona*, (Tucson, 1869), 20.
22. Secretary of the Interior Jacob D. Cox to Reavis, October 8, 1869, Department of the Interior Letter Book, Judiciary Number 16, July 20, 1869-February, 1870, National Archives.

23. *Arizona Miner* (Prescott), October 30, 1869.
24. Minutes of the Arizona Supreme Court, 1865-1893.
25. *Arizona Citizen* (Tucson), January 14, 1871.
26. *Ibid.*, February 4, 1871.
27. *Lincoln Sunday Star*, October 29, 1922.
28. Attorney General Amos T. Akerman to Reavis, April 29, 1871, Attorney General's Letter Books, Department of Justice, National Archives; Reavis to Akerman, September 11, 1871, Department of Justice, Source Chronological Files, Arizona, 1871-1879, *ibid.*; acting attorney general to Reavis, September 27, 1871, Attorney General's Letter Books, *ibid.*
29. Copy in the Library and Archives Department, Phoenix.
30. *Arizona Sentinel* (Arizona City-Yuma), April 6, 13, 20, 1872.
31. In the spring of 1873 Reavis undertook the defense of accused murderer Manuel Fernandez. Although he lost the case, and Fernandez thus had the dubious distinction of being the first person legally executed by Arizona Territory, the press reported: "Counsel for both prosecution and defense displayed marked ability in their profession, neither allowing a single point bearing upon the case (in their relative positions) to pass without the closest scrutiny. District Attorney Rowell had probably never encountered a more formidable opponent, in the trial of this character, than in the person of Judge Isham Reavis, whose efforts in conducting the defense elicited the encomiums of the entire Bar present." *Sentinel*, March 29, 1873.
32. *Sentinel*, May 10, 31, 1873.
33. James McClintock, *Arizona*, (3 volumes, Chicago, 1916), II, 156, contains material on John W. Dorrington and there is a file on Elisha Reavis in the Arizona Historical Society, Tucson. This family was not related to James Addison Reavis (the "Baron of Arizona"), who was to later appear upon the Arizona scene.
34. Sheldon, *Nebraska*, II, 459.
35. Original pamphlet version of the address is in the possession of Mrs. McCleery.
36. *Falls City* (Nebraska) *News*, May 12, 1914.
37. Judge Reavis' reminiscences were previously published in Lewis Edwards' *History of Richardson County, Nebraska* (Indianapolis: B. F. Bowen & Co., 1917), 681-710, as well as serially in the *Falls City* (Nebraska) *Tribune* beginning January 8, 1909. Editing of the original Reavis manuscript has produced minor differences between these publications and the current re-publication in *Nebraska History*.