



*Nebraska History* posts materials online for your personal use. Please remember that the contents of *Nebraska History* are copyrighted by the Nebraska State Historical Society (except for materials credited to other institutions). The NSHS retains its copyrights even to materials it posts on the web.

For permission to re-use materials or for photo ordering information, please see:

<http://www.nebraskahistory.org/magazine/permission.htm>

Nebraska State Historical Society members receive four issues of *Nebraska History* and four issues of *Nebraska History News* annually. For membership information, see:

<http://nebraskahistory.org/admin/members/index.htm>

## Article Title: Hanging Out the Shingle: Nineteenth-century Lawyers in Nebraska's Platte Valley

Full Citation: Mark R Ellis, "Hanging Out the Shingle: Nineteenth-century Lawyers in Nebraska's Platte Valley," *Nebraska History* 85 (2004): 38-52

URL of article: <http://www.nebraskahistory.org/publish/publicat/history/full-text/NH2004Lawyers.pdf>

Date: 1/25/2013

Article Summary: The lawyers who were among the early settlers in the Platte Valley made important contributions as community builders. Their professional achievements contradict the notion that the Great Plains was a lawless region.

### Cataloging Information:

Platte Valley Lawyers: Francis G Hamer, Alexander Connor, Othman Abbott, William Platt, George Thummel, Thomas (T O C) Harrison, Beach Hinman, Vic Bierbower, Elisha C Calkins, Alonzo H Church, William Neville, John J Halligan, Edward Cunningham, James Ray, Joseph Beeler, Charles Rief, T Fulton Gantt, Charles Colleton, John Burley

Nebraska Place Names: Lincoln, Kearney, Grand Island, North Platte, Sidney

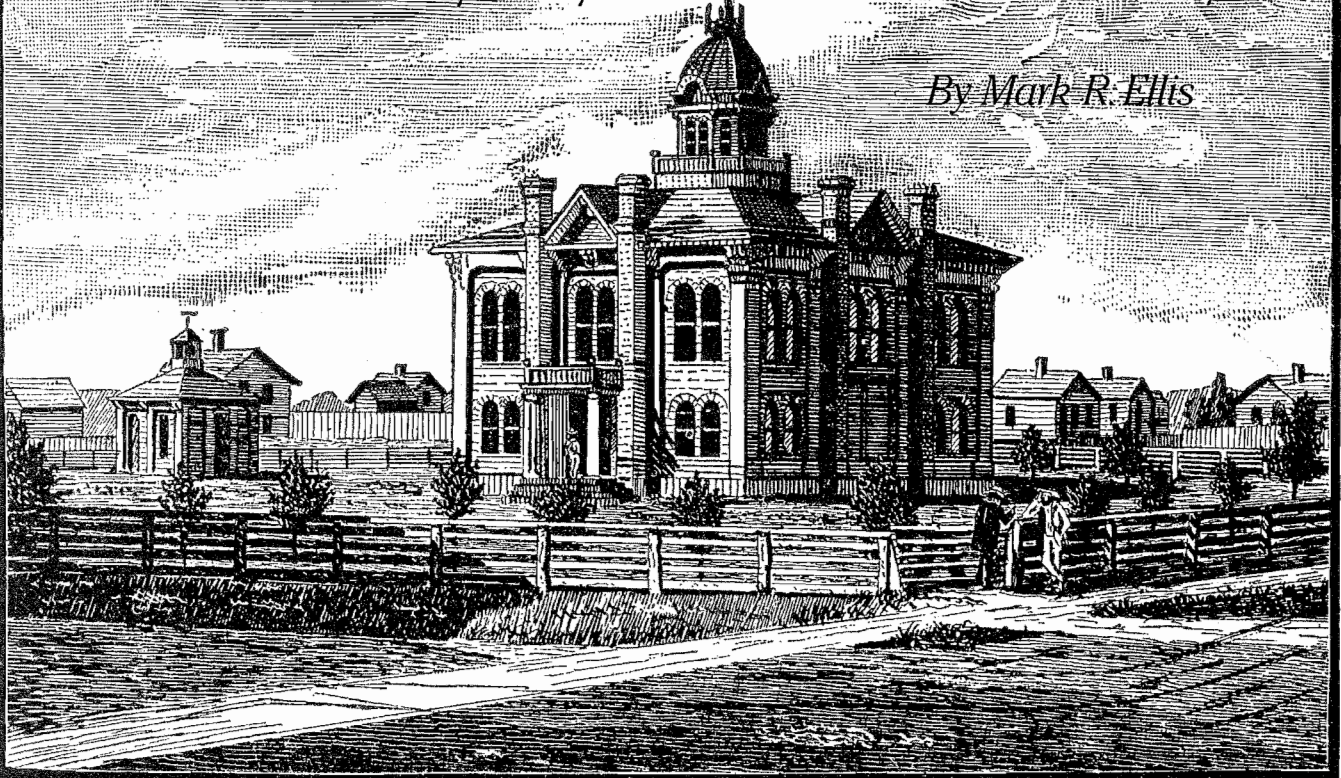
Keywords: Black Hills gold rush, Union Pacific railroad, Print Olive murder trial

Photographs / Images: Lincoln County Courthouse, North Platte, about 1880 (A T Andreas, *History of the State of Nebraska*, 1882); Francis F Hamer (*Nebraskans 1904-1914*, 1915); George H Thummel (*Nebraskans 1854-1900*, 1904); Elisha C Calkins (*Nebraskans 1854-1900*, 1904); Sidney, about 1880 (Andreas); Beach Hinman; Alexander H Connor; Alonzo H Church; William H Thompson (*Nebraskans 1854-1900*, 1904); William Neville; Orthman A Abbott; residence of Samuel L Savidge, Kearney, about 1880 (Andreas)

# HANGING OUT THE SHINGLE

## Nineteenth-century Lawyers in Nebraska's Platte Valley

*By Mark R. Ellis*



**I**n 1869 Francis G. Hamer, a future Nebraska Supreme Court Justice, was a twenty-six-year-old farmer and part-time attorney living in Indiana. Although Hamer had been admitted to the Indiana bar in 1864 and briefly practiced law in Chicago and Indianapolis, as an inexperienced and unknown lawyer he found it difficult to acquire a sufficient clientele for full-time employment. Impatient with a part-time practice, Hamer headed west in search of a place

where he could hang out his shingle and ply his trade.<sup>1</sup>

Throughout the summer and fall of 1869 Hamer investigated Minnesota and Iowa without finding a suitable location. Every community seemed to have its quota of lawyers by the time he arrived. In December Hamer was in the bustling commercial city of Omaha, Nebraska, but he quickly realized that it, too, was overcrowded with lawyers. His next stop was Lincoln, the recently designated state capital. Lincoln was not lacking attorneys—thirty-eight had established practices by January 1870—but Hamer decided to give the capital city a try.

He opened an office near Tenth and O streets and became a regular practi-

tioner in the probate and district courts, handling primarily land cases and collections. He even formed a partnership with Alexander Connor, an older experienced attorney he had known in Indianapolis.<sup>2</sup> By spring 1872 Hamer was making a decent living, but he wasn't happy. Established lawyers, including Stephen Pound, J. R. Webster, and Charles Whedon, dominated the city's legal community and Hamer stood little chance of entering the ranks of its elite.

Above: **Lincoln County Courthouse, North Platte, about 1880.** From A. T. Andreas, *History of the State of Nebraska*, Chicago: Western Historical Company, 1882, Vol. 1

*Mark R. Ellis is assistant professor of history at the University of Nebraska at Kearney. He is author of "Reservation Akicitas: The Pine Ridge Indian Police" (South Dakota History) and he is editor of Buffalo Tales the publication of the Buffalo County Historical Society.*

## Platte Valley Lawyers

Once again he considered making a move. Surely, thought Hamer and Connor, Platte Valley towns such as Grand Island, Plum Creek (present-day Lexington), and North Platte, all located along the Union Pacific Railroad, would need competent attorneys. A quick look at the professional ads in the local newspapers, however, was enough to remind Hamer that once again he was too late. Othman Abbott, W. H. Platt, and John D. Hayes dominated the profession in Grand Island. North Platte already had four or five resident lawyers, including the popular Beach Hinman and T. Fulton Gantt. Caleb Dilworth and C. W. McNamar practiced in Plum Creek.<sup>3</sup>

With most of the towns along the Union Pacific line already well stocked with lawyers, Hamer and Connor began to consider Kearney Junction (present-day Kearney), where the Burlington Railroad, building west from Lincoln through the counties south of the Platte River, would eventually connect with the Union Pacific. The only problem with Kearney was that it did not exist. It was a town only on paper.

Nevertheless, Hamer decided to investigate the place for himself. In late May 1872 he got off at a whistle-stop called Buda, then walked five miles to the proposed junction. He found only a few homesteaders' cabins and a small general store. Nevertheless, Hamer saw an opportunity. A town had been platted and streets lined out, and the Burlington had completed grading to this soon-to-be town. Most important, there were no lawyers in sight. Here he could literally start from scratch, opening a business even before a town existed. Excited by the prospects of the potential boom-town, Hamer located a piece of land for himself and his partner and hurried back to Lincoln with the news.

One month later Hamer relocated to Kearney Junction. His first office was nothing more than rented space in Kearney's lone business, the general store. With a desk made of barrels and boards, an empty nail keg for a chair,

and a copy of the *Revised Statutes of Nebraska*, Hamer hung his shingle outside for all to see. He was open for business. In July 1872 Francis Hamer could smile, knowing he was the first and, briefly, the only lawyer in Kearney Junction.<sup>4</sup>

Despite the importance of lawyers to Great Plains communities, they have drawn little attention from historians.<sup>5</sup> Little is known, for example, about their backgrounds, personal characteristics, education, and legal practices.<sup>6</sup> Consequently, historians sometimes throw western lawyers into the same pot with colorful frontier characters such as Roy Bean ("The Law West of the Pecos"), Isaac Parker ("The Hanging Judge"), and Temple Houston ("Lawyer with a Gun").<sup>7</sup> Such an image of Great Plains lawyers distorts their lives, careers, and contributions as community builders. The stereotype of the frontier lawyer as a legal hack has also fueled the perception of a lawless American West. Evidence from Nebraska's Platte Valley, however, suggests that lawyers there were well trained and highly competent professionals, who brought with them a thorough understanding of the law, established stable practices, and contributed to community building.

### Platte Valley Legal Centers

The construction of railroads and the availability of cheap and even free land after the Civil War sparked a wave of migration to Nebraska and the Great Plains. Included in this migration were enterprising lawyers, who, like Francis Hamer, realized that opportunities abounded in the Platte Valley. Towns such as Grand Island, Kearney, and North Platte sprang up almost overnight and needed competent legal representation.

Among other things, lawyers helped build the legal and court systems and served as court officials for fledgling counties, helped settlers acquire land from the federal government and railroads in the 1870s, helped them get mortgages in the 1880s, managed real estate and financial interests for eastern

absentee owners, filed pensions for Civil War veterans, handled legal affairs for the railroads, assisted immigrants in filing naturalization papers, hawked property and life insurance, and when necessary, defended accused criminals.

As soon as a town appeared or an economic opportunity arose, lawyers moved in and opened practices, and by 1875 at least three legal centers had arisen in the Platte Valley. Commercial and population centers along the Union Pacific line, Grand Island, Kearney, and North Platte had eight to fifteen lawyers each; by 1890 at least fifteen lawyers practiced in each town.<sup>8</sup>

These Platte Valley railroad centers attracted more lawyers than other towns because each was the county seat and population center of its county. The district court and county (probate) courts operated there. Grand Island and North Platte also had United States land offices, which generated a tremendous amount of business during the land boom of the 1880s. Lawyers, therefore, congregated in these commercial centers rather than spreading out into the smaller towns and villages. As late as 1900, for example, Lincoln County's entire bar lived in North Platte.<sup>9</sup>

The lawyers in these towns served not only their immediate communities, but also reached out to the surrounding regions. During the first decades of statehood North Platte lawyers practiced throughout western Nebraska. The smaller county seats of Ogallala, Sidney, and Plum Creek had a few lawyers who could handle the day-to-day legal business, but during terms of the district court, when caseloads were heavy, outside or "foreign" attorneys assisted.<sup>10</sup>

In May 1888, after the spring term of the Lincoln County District Court closed, Lincoln County lawyers took the train to Ogallala, where they attended a term of the Keith County District Court. The following month six North Platte lawyers attended district court in Logan County, which had no resident lawyers. There, the firm of Alonzo Church and James Bixler assisted the Logan County



**Francis G. Hamer**, From *Nebraskans 1904–1914*, Omaha: Bee Publishing Company, 1915



**George H. Thummel**, From *Nebraskans 1854–1900* Omaha: Bee Publishing Company, 1904



**Elisha C. Calkins**, From *Nebraskans 1854–1900* Omaha: Bee Publishing Company, 1904

attorney in prosecuting several criminal cases, while Hanson Grimes, another North Platte lawyer, vigorously defended the accused. In the Keith County District Court between 1878 and 1889, members of the Lincoln County bar served as counsel in 30 percent of all the docketed cases. C. Robert Haywood noted a similar situation in his study of the bar in Dodge City, Kansas. Dodge City had twenty-seven resident lawyers between 1876 and 1886, but at least sixty from outside the community attended terms of the district court.<sup>11</sup>

During the first few years after statehood, Grand Island and North Platte also relied on legal help from the outside. Charles Brown of Omaha and John Martin of Merrick County provided legal services for Hall County. Brown also regularly traveled with the district court judge and district attorney to North Platte and Sidney, where he offered his services during terms of the district court.<sup>12</sup> "Foreign" lawyers such as Brown disappeared from the legal record during the early 1870s after a stream of migrant lawyers moved in and opened offices. By 1872 Grand Island's legal community was large enough to handle

almost all of the legal business in Hall County. North Platte's legal community stood on its own by 1873.

Othman Abbott, who settled in Grand Island in 1867, was the first attorney to practice in Hall County. As the sole lawyer in Grand Island for two years, Abbott handled every type of case: contested land cases, criminal defense and prosecution, and debts and collections.<sup>13</sup> In 1870 his workload eased when William Platt was admitted to the bar. A druggist by trade, Platt had lived in Grand Island since 1866, but studied law in his spare time, probably with Abbott. These two men dominated the Grand Island legal profession for decades, and each had a significant role in the development of their community and state.

After 1870, as Grand Island grew, the number of lawyers also began to increase. W. C. Buderros, John Hayes, and George Thummel arrived in 1871. In 1873 Thomas (T. O. C.) Harrison, a future justice of the Nebraska Supreme Court, opened an office. While many lawyers came and went, Abbott, Platt, Thummel, and Harrison remained for decades and were joined during the 1870s and '80s by others who would

make Grand Island their permanent residence. John and William Thompson, for example, arrived in 1879 and had one of the most successful law firms in town for several decades. James Wooley arrived in 1878 and practiced for more than forty years.<sup>14</sup>

The lawyers who arrived early were most likely to become prominent and have influence outside their town of residence. The first few lawyers in each Platte Valley legal center—Othman Abbott (Grand Island), Francis Hamer (Kearney), and Beach Hinman (North Platte)—attained statewide reputations. Abbott represented Grand Island at the constitutional conventions of 1871 and 1875, served one term in the state legislature, and was Nebraska's first lieutenant governor.<sup>15</sup> Francis Hamer was a well-known criminal defense attorney, district court judge, and Supreme Court justice.<sup>16</sup> Beach Hinman also served in both constitutional conventions, represented Lincoln County in the state legislature in 1877, and was known throughout the state as a premier criminal defense lawyer, particularly in murder cases.<sup>17</sup>

## Platte Valley Lawyers

North Platte was destined to become an important commercial and population center—and thus a legal center—after the Union Pacific made the town its division point between Omaha and Cheyenne, Wyoming. Like Grand Island, North Platte's legal community was pioneered by a single lawyer and had expanded by 1870. When the town was founded in 1867, Beach Hinman was on hand to provide legal services. Parcel Enos, a thirty-four-year-old attorney from New York, joined him in 1868. For two years Hinman and Enos faced one another in almost every case before the district and probate courts. Beginning in 1870, however, they were joined by migrant lawyers and locals who turned to the law as a second profession. Herman Luther, George Ballou, and Thomas Bondeau appeared in 1870. By 1874 Amos Gantt, T. Fulton Gantt, Alonzo Church, Ralph Dougherty, John DeLany, and C. H. Street had arrived.<sup>18</sup>

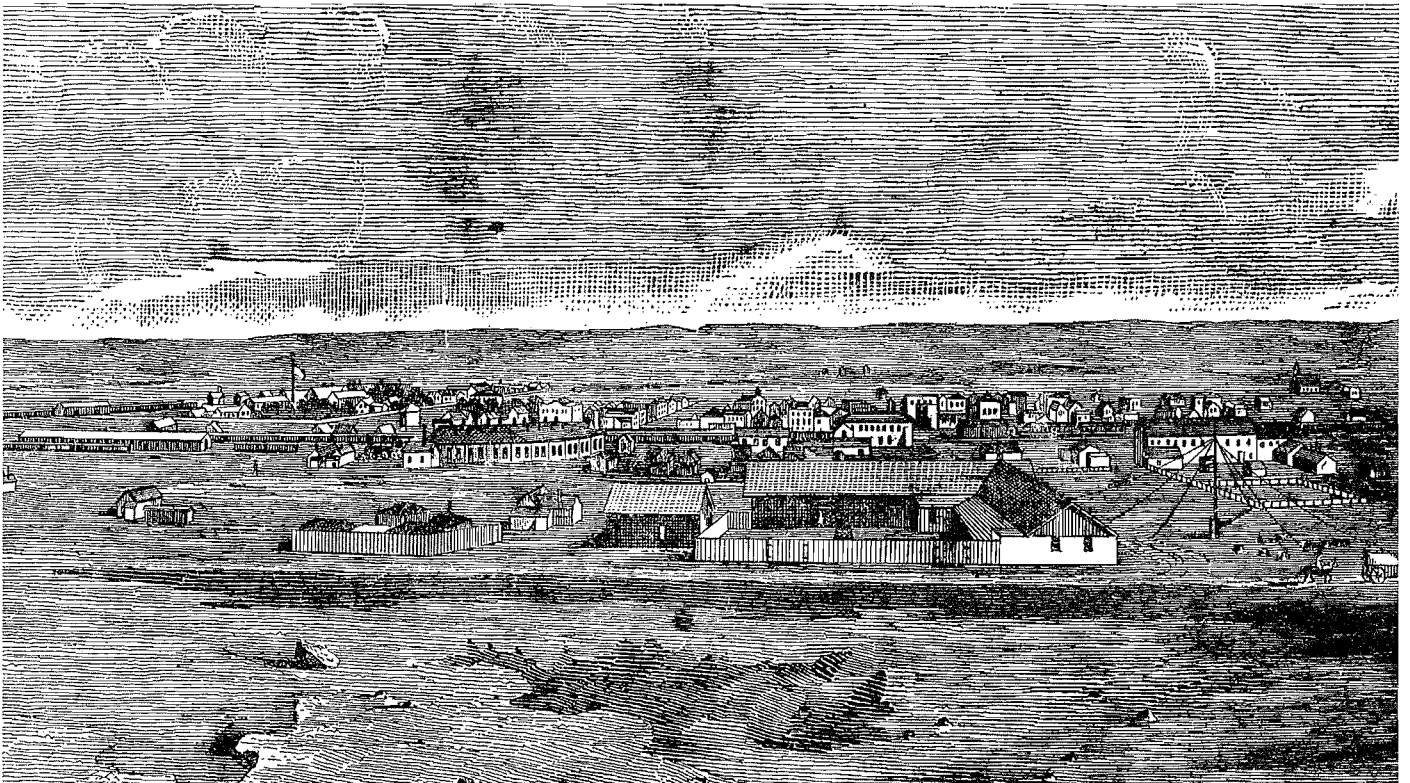
Thereafter, North Platte dominated the legal business of Lincoln County and the surrounding region within a hundred-mile radius.

Unlike North Platte and Grand Island, Kearney, Kearney became a legal center almost overnight. By the time Kearney was born in 1872–73, most towns on the Union Pacific line had as many attorneys as they could support. Kearney, though, was a “last frontier” for aspiring lawyers. Although Francis Hamer and Alexander Connor hung out their shingles before a town even existed, they were not alone for long. F. N. Colwell also anticipated a prosperous Kearney full of clients and relocated from Osceola, Iowa, just months after Hamer and Connor arrived. In 1873 lawyers began pouring into town: N. H. Hemiup from Connecticut, Elisha Calkins from New York, and Simon Switzer from Iowa.<sup>19</sup>

Many of the arrivals were new to

the legal profession. After graduating in November 1873 from Cornell College in Iowa, Samuel Savidge moved to Kearney and opened his first law office. John Barnd was admitted to the Illinois bar on January 9, 1874, and like Switzer, immediately moved to Nebraska. Shortly after Kearney was incorporated in December 1873, at least seven lawyers had opened offices.<sup>20</sup> Many went on to have distinguished careers. Savidge was a district court judge, E. C. Calkins was a state senator and served as the president of the Nebraska State Bar Association, and Barnd was for many years the Buffalo County judge.

In 1876 Sidney briefly rose from its status as a small regional bar and stood side-by-side with the larger legal centers in the Platte Valley. Although it was not in the Platte Valley Sidney was located on the Union Pacific line. In 1875 the town had a population of about five hundred, and only two lawyers—George



Sidney, about 1880. *History of the State of Nebraska*



Heist and George Ballou.<sup>21</sup> There simply was not enough business to support more than two resident lawyers. By early 1877, however, Sidney had been transformed from a sleepy railroad town into a bustling freighting and outfitting center. The Black Hills gold rush and conflict with the Plains Indians made Sidney a center of activity.

As the closest railhead to the Black Hills gold fields, Sidney became a major shipping point for firms hauling freight to the mining camps, and nearby Fort Sidney was a base in the Indian campaigns of 1876–77. Sidney's permanent population more than doubled and its itinerant population grew to as many as five thousand by 1879. The *Sidney Telegraph* reported that during 1876, 247 new buildings were constructed, 72,463,000 pounds of freight were received at the depot, and tens of thousands of dollars in money orders were issued.<sup>22</sup>

Attracted by the people and dollars flowing through and into Sidney, dozens of attorneys relocated there and established practices. By the summer of 1877, ten lawyers advertised in the *Sidney Telegraph*, including firms from North Platte, Omaha, and Dakota Territory. The most prominent addition to the Sidney bar was Vic Bierbower, who moved from Nebraska City. The *Sidney Telegraph* boasted that Bierbower was "a number one lawyer [who] seldom loses a case, and gets his share of legal business." By the early 1880s the boom was over as Dakota railroads began to supply the mining camps. In 1883 only George Heist, who was there before the boom, and Vic Bierbower, clearly the most skilled attorney, were still practicing in Sidney.<sup>23</sup>

### Platte Valley Lawyers

The Platte Valley's legal centers were attractive to young and ambitious Midwestern attorneys. In these towns they could find full-time legal work, while also building careers in politics, real estate, and business. Originally most came to the Plains to take advantage

of the massive amount of litigation produced by land sales and exchanges, foreclosures and mortgages, collections, and railroad-related legal business. Ambitious lawyers from Ohio, Indiana, and Illinois could also advance their careers more quickly in Great Plains communities than in the more settled Midwest. A young lawyer such as Francis Hamer could quickly make a name for himself and attain a clientele and a level of prominence that would have taken decades to achieve in his native state.

Most of the attorneys who migrated to Nebraska were, like Hamer, young and new to the legal profession. Older experienced attorneys with established practices seldom relocated to the Plains. They simply had no incentive. Few migrant lawyers, therefore, were over the age of forty. Instead, Nebraska's Platte Valley legal centers were stocked by lawyers in their twenties and early thirties. Except for Alexander Connor, who was forty when he relocated, Kearney's bar comprised young and inexperienced practitioners. Hamer was twenty-nine and had only two years of full-time legal experience under his belt. Elisha Calkins was twenty-six and had four years of experience in his father's New York law firm. John Barnd and Samuel Savidge were both thirty when they relocated to Kearney during the early 1870s, and neither had any legal experience. Barnd had been admitted to the Illinois bar just months before arriving in town. Savidge was admitted in Iowa only a few weeks before he migrated.<sup>24</sup>

North Platte also had a youthful bar with little professional experience during the 1870s. T. Fulton Gantt and Freddy Vaughn were both twenty-one when they began practicing there. Harrison Babb was twenty-two and fresh out of the University of Iowa's law school when he opened an office in 1876. Grand Island's pioneer bar looked similar. Othman Abbott was twenty-five when he arrived in Grand Island and had been admitted to the Illinois bar only six months earlier. T. O. C. Harrison was also twenty-five

when he was admitted to the bar in 1873. In Nebraska's Platte Valley legal centers, young lawyers without much experience could set down roots, forge partnerships with other attorneys, and quickly build prosperous practices.

While most migrant lawyers were in their twenties when they moved to Nebraska, a handful arrived with significant experience and a few gray hairs. Beach Hinman, nearly forty, had a long and storied life before becoming North Platte's first lawyer. He was born and raised in a Pennsylvania farming family; he had acquired a good education at Franklin University in his home state. After teaching school for several years he was admitted to the bar around 1858, and began a ten-year period of wanderlust that took him to Minnesota, Nebraska, and Montana, practicing law and serving a term as district attorney in territorial Plattsmouth, Nebraska. In the early 1860s he worked briefly at his brother's Oregon Trail road ranche near Fort McPherson, Nebraska, before heading to the Montana gold fields.

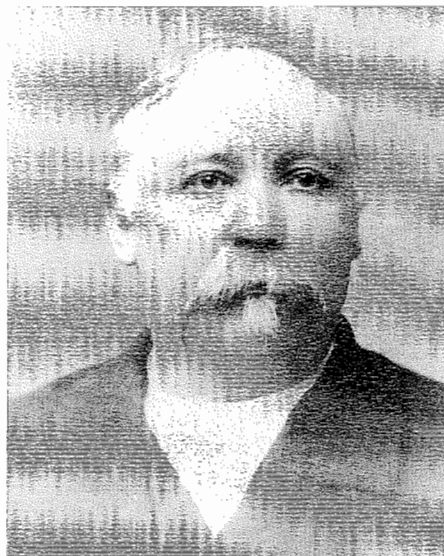
Out of money and tired of the fruitless search for gold, Hinman straggled back to Nebraska in 1866, just as the Union Pacific pushed through the state. When the railroad established North Platte in 1866 he was on hand to provide legal services. When he retired in the mid-1890s, Hinman was the ranking member of the Lincoln County bar, known throughout the state as a criminal defense lawyer. He defended thirty-five accused murderers during his career, including cattleman Print Olive.<sup>25</sup>

Francis Hamer's partner, Alexander Connor, also arrived in Nebraska with ample life experience. Connor attended law school in New York, was admitted to the bar at age twenty-two, and was elected to the Indiana legislature at twenty-four. From 1862 to 1871 he edited the *Indianapolis Journal*, the state's leading Republican newspaper. When the paper failed financially in 1871, Connor moved to Lincoln, where, at age forty, he formed a partnership with Hamer, whom he had met in

## Platte Valley Lawyers



**Beach Hinman.** NSHS 2411-2405



**Alexander H. Connor.** NSHS RG2141-22



**Alonzo H. Church.** RG 2411-943

Indianapolis.

Hinman and Connor represent a type of lawyer different from the more numerous young men seeking their fortunes in central and western Nebraska. They were older, had more experience, and generally were financially stable. Most quickly became leaders of their communities by mentoring young attorneys. Hinman established at least four partnerships with younger lawyers and trained dozens of others. Connor did the same, taking a struggling Hamer under his tutelage. Connor provided the financial backing for the partnership, purchasing law books, moving Hamer into a larger office in Lincoln, and eventually backing the move to Kearney. Almost every town had such a figure. Thomas Hewitt trained lawyers in Plum Creek, while George Heist did the same in Sidney.<sup>26</sup>

Grand Island, Kearney, and North Platte attracted not only migrant lawyers from the Midwest, but also successful attorneys from the smaller and less lucrative bars of other Nebraska towns. The three larger, bustling commercial and population centers offered economic, social, and political advancement. If a central or western

Nebraska lawyer hoped to be elected to the district court bench or to the state legislature it was almost a requirement that he reside in one of those small cities, and highly motivated lawyers from elsewhere in the state saw promise in the larger Platte Valley legal centers.

North Platte, for example, regularly saw lawyers from the outside work their way into the community. William Neville arrived at North Platte with a very impressive resume for a transplanted lawyer. He had eight years of legal experience in Illinois and Omaha, and had served in the legislatures of both states.<sup>27</sup> In 1877 he relocated to North Platte and formed a partnership with Beach Hinman, the town's leading attorney. Neville practiced law for twenty years in Lincoln County, and in 1899 he was elected to the U.S. House of Representatives as a Populist (his son Keith Neville served as governor from 1917 to 1919). John J. Halligan also relocated to North Platte in 1895, after having practiced in Keith County for many years. He was well acquainted with members of the Lincoln County legal community, having faced most of the North Platte bar during his tenure in Keith County.<sup>28</sup> Halligan easily estab-

lished himself in Lincoln County and practiced law in North Platte until his retirement in the early 1920s.

Not all members of Nebraska's pioneer bar were lawyers at the time they migrated. About 25 percent came to the region as railroad laborers, businessmen, farmers, or newspaper editors and turned to the legal profession as a second career. At least eleven North Platte lawyers were admitted to the bar after moving to the state.<sup>29</sup> Alonzo Church is one of the best examples.<sup>30</sup> He came to North Platte in 1872 and worked as a bookkeeper and timekeeper for the Union Pacific Railroad. He read law in a North Platte law office during his spare time and in 1874 was admitted to the bar.<sup>31</sup> Church spent the next twenty-one years practicing in North Platte, serving at one time or another as police judge, county judge, and district court judge.

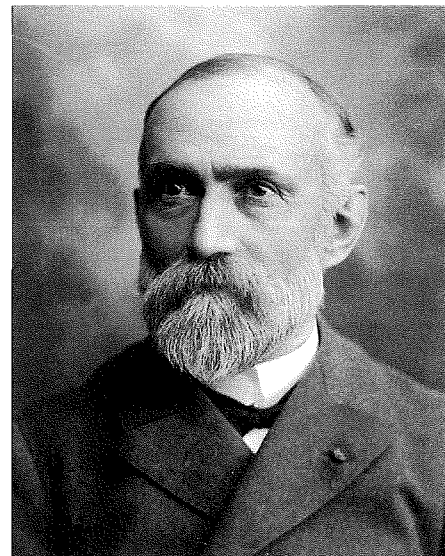
Newspaper editors were the most likely to make the law a second career. Like lawyers, they were usually well educated, active in the community, and politically motivated. Edward Cunningham, the editor of the *Kearney Times*, read law and was admitted to the bar in 1879 at the age of thirty-two. In



William H. Thompson. *Nebraskans* 1854–1900



William Neville. NSHS 2411–4058



Othman A. Abbott. NSHS RG2141–2

North Platte James Ray, editor of the *North Platte Republican*, turned to the legal profession after a long career in the newspaper business.<sup>32</sup> While publishing his newspaper he read law with T. Fulton Gantt and was admitted to the bar in 1886. His father-in-law, R. C. Dougherty, was a well-known North Platte attorney during the 1870s and probably influenced his decision to turn to the legal profession. Another editor, Edwin Day, who published newspapers in Ogallala and North Platte, was admitted to the bar after a dual career as a photographer and editor.<sup>33</sup>

For many lawyers the law was a vehicle for social mobility. A working class person who dedicated the time and energy could become a lawyer after only two years of study in a law office, and Nebraska's pioneer lawyers were predominantly the sons of farmers, immigrants, and laborers. Seventy-five percent had fathers who worked in a non-professional occupation, such as farming. Francis Hamer's father farmed in Indiana, and Othman Abbott's did the same in Illinois. John Halligan's parents were Irish immigrants who homesteaded and farmed in Keith County. The socioeconomic status of

western Nebraska lawyers was similar to that of Lincoln's lawyers. Andrew Koszewski found that 61 percent of the early Lincoln bar had fathers who were engaged in farming.<sup>34</sup>

For at least a handful of the pioneer lawyers the legal profession was a continuation of the social status they had been born into. T. Fulton and Amos Gantt's father, for example, practiced law in territorial Nebraska and served as a justice on the Nebraska Supreme Court. Both men read law under their father and then began their legal careers in North Platte. Elisha Calkins of Kearney and William Neville of North Platte also studied law in their fathers' offices. John Barnd's father was a physician in Finley, Ohio. Among this small group, admission to the bar was probably a family expectation.

It is impossible to know exactly how many lawyers migrated to Nebraska and how many resided in each legal center.<sup>35</sup> The historical record preserves only the names of those who remained in one location for a period of time, those that advertised in local newspapers, and those who happened to be counted in a census. It is possible, however, to draw a composite picture of Nebraska's

typical pioneer lawyer.

It should not be surprising that white males dominated Nebraska's bar. The legal profession was largely closed to women before 1900; only three women had been admitted to practice in Nebraska before 1890. During the 1890s twenty women were admitted, primarily in Lincoln and Omaha. One reason why more women were entering the legal profession then is that the University of Nebraska began offering a law degree in 1891; at least seven women graduated from the law school and were admitted to the bar during the last decade of the nineteenth century.<sup>36</sup>

Nebraska's pioneer lawyers hailed almost exclusively from Illinois, Ohio, Pennsylvania, Indiana, and New York. Almost 90 percent were born in one of those states. The figures are not surprising as they reflect the composition of Nebraska's nineteenth-century native-born population, which in descending order, migrated from Ohio, New York, Pennsylvania, and Illinois.<sup>37</sup> Migration usually occurred along similar latitudes. Thus, Midwestern lawyers rarely moved to Texas or Oklahoma. Likewise, few Southerners practiced law in the Platte Valley. The composition of the bar did



## Platte Valley Lawyers

not change until the late 1890s, when lawyers born in Nebraska, and trained at the University of Nebraska's law school, began to enter the profession.

Few lawyers were foreign born. In a profession that required forceful orators and skilled writers, those who did not have a command of English—even native speakers—could not succeed. Foreigners who did practice in Nebraska usually had migrated at a young age or came from an English-speaking region such as England, Ireland, or, like Othman Abbott, from Canada. Albert Muldoon of North Platte and H. C. Andrews of Kearney also came from English-speaking Canada.<sup>38</sup> Thomas Patterson of North Platte was born in Ireland and at the age of eight immigrated with his family to New Jersey and then to Chicago.

English was the second language of at least a few foreign-born attorneys in the Platte Valley. Joseph Beeler of North Platte was born in Holland, but had immigrated as a youth and most certainly perfected his English by the time he was admitted to the bar. Grand Island attorney Charles Rief, born in Holstein, Germany, learned English as a youth while traveling the world as a sailor. At age twenty-six he immigrated to the United States, settling in Grand Island in 1868, some ten years after the settlement was founded. Because the founders of the Grand Island colony were Germans from Schleswig-Holstein, Rief likely felt at home. During the 1870s he taught school, served as a justice of the peace, worked as the county surveyor, and eventually read law and was admitted to bar. In the early 1880s he formed a partnership with Thomas Harrison, a future justice of the Nebraska Supreme Court.<sup>39</sup>

Although the foreign born were largely absent from the legal profession, few obstacles stood in the way of a determined native born individual who sought admission to the Nebraska bar in the nineteenth century. The nineteenth-century legal profession was essentially part of the pre-industrial apprentice

system. A prospective lawyer worked closely with an experienced attorney, reading law books, attending court, and discussing legal issues with his "master." After the candidate had spent two years learning his trade, he was required only to pass an examination on the principles of the common law and have good moral conduct to be admitted to the bar.<sup>40</sup>

Othman Abbott, the first lawyer in Grand Island and Nebraska's first lieutenant governor, trained for the legal profession this way after a doctor warned him that his Civil War wounds, combined with the rigors of farming, would shorten his life. With money he earned as a soldier, Abbott purchased several legal texts and began reading them in his spare time. Shortly after the end of the Civil War, he entered the law office of Ira Moore in his hometown of Belvidere, Illinois, and began a two-year course of study. According to Abbott's recollections, the lawyer under whom he trained lectured on topics such as the changes of the English Common Law in the United States, the importance of language and rhetoric in the courtroom, and the relationship between law and society.<sup>41</sup>

Although admission to the bar did not require formal education, 51 percent of nineteenth-century Nebraska lawyers acquired at least some college education. Hamer, for example, was not a law school graduate, but he took classes periodically to prepare for his bar exam. At the age of eighteen he was teaching in Indiana, but had dreams of becoming a lawyer. After borrowing a copy of *Blackstone's Commentaries*, a standard legal text for nineteenth-century lawyers, Hamer began studying law. He honed his oratorical skills by participating in local debating clubs. At age twenty he went to Indianapolis, where he read law in a local office and took classes at a law school. At the age of twenty-one he was examined and admitted to practice.<sup>42</sup>

A surprising 24 percent of Nebraska's pioneer bar graduated from law school,

including schools at the University of Iowa, the University of Michigan, the University of Wisconsin, and Howard University. The University of Iowa served as a training ground for many Platte Valley lawyers. Brothers John and William Thompson graduated from Iowa during the late 1870s and immediately moved to Grand Island to begin their careers. Bruno Hostetler of Kearney also graduated from Iowa. At least four North Platte lawyers graduated from the University of Iowa's law school—Harrison Babb (1874), George French (1883), Hanson Grimes (1877), and Wesley Wilcox (1883). By 1905 three Nebraska colleges offered law degrees: the University of Nebraska, Omaha University, and Creighton University.<sup>43</sup>

### Assessing the Platte Valley Bar

Judging the skills and competence of the pioneer bar is difficult because few lawyers, other than those who became prominent, such as Francis Hamer, left records of their legal careers. However, a careful sifting of the historical record suggests that they performed their jobs well.

One way to judge the competence of the attorneys is to look at bar admissions, which in Nebraska could be accomplished in two ways. First, and most common, attorneys who had been admitted in other states or territories could simply supply evidence—a university diploma, a letter from a judge, or a bar certificate—to a Nebraska district court judge. Othman Abbott's admission to the Nebraska bar was delayed because he had no proof that he had been previously admitted in Illinois. Instead of taking his word that he was a qualified lawyer, the district judge in Hall County required Abbott to retake his bar examination, just as if he were a prospective attorney seeking admission for the first time. He passed the exam and was admitted to practice.<sup>44</sup>

Records from Lincoln County indicate that every lawyer admitted to

the bar presented notarized documentation of his legal training. On April 1, 1886, James G. Watts appeared before a Lincoln County committee with a certificate from a judge in Menard County, Illinois. After quizzing his legal knowledge and reviewing the bar certificate and the attached letter affirming that he was a man of "good moral character," the committee recommended to Judge Francis Hamer that Watts be admitted.<sup>45</sup> Unqualified candidates or those who sought admission with falsified documents would have found it difficult under such review.

Prospective attorneys who had never been admitted to the bar had to provide evidence that they had read law for two years in a law office or had graduated from a law school. Candidates then went before a bar examination committee during a session of the district court. If they passed, the committee recommended to the judge that the candidate be admitted. This decentralized method of bar examination—at the district rather than state level—has often been criticized. T. L. Norval, for example, claimed that Seward County's bar examinations during the 1860s and 1870s were lax and regularly allowed for the admission of unqualified attorneys. Bar exams tended to be social affairs where the prospective lawyer simply bought drinks for the committee. C. Robert Haywood noted a similar laxness in at least one Kansas bar exam. The only question asked of the candidate was: "Are you ready and willing to set'em up?" After answering in the affirmative, the entire examining board accompanied the prospective candidate to the local saloon, where he was congratulated on his admission to the bar.<sup>46</sup>

Such stories are usually nothing more than the tales and reminiscences of the county's old settlers. Evidence from Lincoln County indicates that the bar exam was not taken lightly, either by the prospective attorney or the examining committee. Bar exams were administered by a committee of three or four lawyers appointed by the district

court judge. Committees usually consisted of the district attorney, an attorney from outside the community, and one or two resident lawyers.<sup>47</sup> No record exists to indicate the quality of the exam or the types of questions asked, but based on the experience of the lawyers who served on these committees and the subsequent careers of bar candidates, it appears that those who gained admission to the bar in Lincoln County were well qualified.

In September 1873, for example, four attorneys—Charles Baldwin (outside lawyer), M. B. Hoxie (district attorney), Beach Hinman (North Platte), and R. C. Dougherty (North Platte)—examined three prospective lawyers in North Platte. Baldwin, Hoxie, and Hinman were experienced attorneys and known throughout the state. The *Enterprise* reported that "the examination was very rigid and that all the questions were answered promptly."<sup>48</sup> The committee unanimously recommended to Samuel Maxwell, the district judge and a member of the Nebraska Supreme Court, that the three candidates be admitted to the bar. Harrison Colburn was examined the following year and after an "extended and thorough examination," he was admitted to practice.<sup>49</sup> The North Platte *Enterprise* congratulated Colburn on a "splendid examination" and wished him success in his legal career.

Bar examination committees in Hall County also included prominent members of the local bar and attorneys from outside the community. At the 1871 term of the district court, Charles Brown (Omaha), district attorney E. Gray (Fremont), and local attorneys Othman Abbott and George Thummel examined and admitted two candidates. It would have been difficult for an unqualified candidate to gain admission to the bar. The examining committees were always composed of the leading members of the legal community and admitting less qualified candidates would have jeopardized their careers and injured their communities. The signatures of committee members

always became part of the permanent district court record, and the results of bar examinations, along with the names of committee members, were printed in the local press for all to see.<sup>50</sup>

The length of time a lawyer remained in the community offers further insights about the quality of the pioneer bar. An attorney who lost a majority of his cases and failed to please his clients would not have lasted very long. On the other hand, proficient attorneys who regularly won important legal battles could make a substantial living in a Platte Valley community. Five of the first ten lawyers admitted to the bar in Hall County remained in the community for more than twenty years. Abbott practiced law for more than fifty years, James Wooley had forty-one years under his belt, and William Platt, T. O. C. Harrison, and George Thummel practiced in Grand Island for more than twenty years.

In Lincoln County 50 percent of the pioneer bar practiced in North Platte for at least ten years. Beach Hinman practiced from 1867 until his retirement in 1895. T. Fulton Gantt went to Lincoln County as a newly admitted twenty-one-year-old lawyer in 1870 and died in North Platte in 1897.<sup>51</sup> George French, John Halligan, Joseph Hoagland, William Neville, Wesley Wilcox, and several other Lincoln County attorneys practiced law for more than twenty-five years. At least sixteen members of the Lincoln County bar died in North Platte while still actively involved in the legal community. The ability to maintain a lucrative law practice in a Platte Valley town suggests that the pioneer bar was competent. The presence of established attorneys, who were prominent members of the community, provided stability in the bar and ensured that the population had competent and efficient legal representation in civil and criminal affairs.

Although some attorneys were forced to move because they could not generate sufficient business, others moved on in search of the next boomtown. New and promising opportunities constantly

## Platte Valley Lawyers

arose, which drew adventurous lawyers away from the Platte Valley. The Black Hills mining boom of 1876, for example, enticed several Nebraska attorneys to abandon their Platte Valley law practices in exchange for the mining towns in Dakota Territory.

Loring Gaffney of Grand Island moved on to the Black Hills shortly after being admitted to the bar in 1877. T. Fulton Gantt, one of North Platte's most successful attorneys during the 1870s, also saw opportunity in the Black Hills and in 1877 closed his North Platte office and headed to the gold fields. He first practiced in Custer City and Deadwood before returning to Nebraska in the early 1880s. R. C. Dougherty also abandoned his North Platte practice and went to the Black Hills.<sup>52</sup>

Other attorneys gave up practicing law after turning to another profession. Oliver Shannon, who practiced in North Platte and Ogallala during the 1870s and 1880s, entered the land business during the land boom of the 1880s. Edwin Day, who began his career as an editor, returned to the newspaper business after several years of unsuccessful law practice in Ogallala and North Platte. John Barnd of Kearney retired from the legal profession and entered the banking business, as did George Barr of Grand Island.

One way an attorney could increase his chances of surviving in a community was to form a partnership. North Platte lawyers, for example, formed at least twenty-two partnerships before 1900. Every lawyer who practiced for more than five years was involved with at least one partnership during his career. Rarely did two attorneys partner who were established members of the bar. Instead, most partnerships comprised an established member of the legal community and a younger, recent arrival to town. Beach Hinman, for example, established at least four North Platte partnerships during his lengthy career, usually with a recently settled lawyer. His first partner, T. Fulton Gantt, was twenty-one years old and newly

admitted to the bar when he arrived in Lincoln County. Their partnership lasted for five years. Hinman also partnered with William Neville, John Nesbitt, and Hanson Grimes, immediately after each moved to North Platte. Similarly, Othman Abbott in Grand Island, formed partnerships with George Caldwell (1879–81) and Ralph Horth (1885–88) shortly after each arrived in town.<sup>53</sup> Abbott also partnered with his sons, Othman Jr. and Arthur. Partnering with one's son was common. By 1900 members of the pioneer bar were handing their legal practices over to their law-school-trained sons. Francis Hamer worked with his son, Thomas. Joseph Hoagland and John Halligan also partnered with their sons in North Platte.

Law partnerships usually had a specific purpose, which explains why they included a senior and junior member. The established and senior partner generally served as a mentor to a promising young practitioner. The junior partner eased the senior member's workload by handling cases of minimal importance and preparing cases before they went to trial. Likewise, the junior partner, if associated with a skilled lawyer, was guaranteed full-time work during the difficult early years of practice. Partnerships, therefore, rarely lasted long because the junior partner, as in the case of Hamer, soon became the senior partner's equal and eventually moved on to become the senior partner in another firm. Hamer dissolved his partnership when he was appointed district court judge in 1883, and thereafter he was always the senior partner in his firms.

William Neville's legal career serves as an example of how legal partnerships worked. When he first came to North Platte in 1877 he had legal experience, but as an outsider he did not yet have a clientele. Thus, he joined Beach Hinman's firm, which was looking for a partner after T. Fulton Gantt took off for the Black Hills. This was a wise choice for Neville. Hinman was the ranking

member of the western Nebraska bar. By 1879 Neville was involved in the Print Olive murder trial—perhaps Nebraska's most notorious nineteenth-century legal battle—after the defendant hired Hinman's firm. Shortly thereafter, Neville had name recognition and clients throughout western Nebraska. Dissolving his partnership with Hinman in the early 1880s, Neville went on to head several law firms in North Platte, Lexington, and Sidney.<sup>54</sup>

### Community Builders

The pioneer lawyers of the Platte Valley actively participated in the civic, social, and political world of their communities. Perhaps Othman Abbott of Grand Island put it best: If "there must be a metropolis in the great prairie wilderness of central Nebraska—why not here?" Abbott and other early Grand Island settlers, therefore, set out to build their community into a thriving city. He helped build the first school and then taught classes when no teachers were available. As the only lawyer in town Abbott helped the community secure bonds for internal improvements, such as roads and bridges. By bridging the Platte Grand Island could secure business from farmers living on the south side of the river. When money was needed for internal improvements Abbott always offered what he could afford. For example, he donated two hundred dollars to help bridge the Loup River at Dannebrog and St. Paul. He and other early Grand Islanders chipped in to help move a gristmill from Wood River to Grand Island. When the St. Joseph and Western Railroad asked the town to help finance the connection from Hastings, Abbott helped raise \$25,000 in bonds. He was not alone in building and promoting Grand Island. Abbott was part of a middle class migration to the Great Plains by people who hoped to build vibrant communities. As a lawyer, however, he provided legal services to the community and because he and other attorneys generally had more capital than the average

farmer, he donated money to improve the standard of living.<sup>55</sup>

Abbott was not unusual in his philanthropy. Francis Hamer, Alexander Connor, John Barnd, and Elisha Calkins were similarly generous in Kearney. In North Platte Beach Hinman became a minor philanthropist, providing money and equipment for the local fire company and the Cody Guards, a local militia. To attract settlers he subdivided several of his properties into lots and provided interest-free loans to settlers who could not afford to build comfortable houses.<sup>56</sup>

Because the lawyers usually were among the most educated and the best public speakers in their communities, they were often called upon to deliver speeches, lectures, and orations for holidays and community events. When Logan County dedicated its new courthouse in 1888, four North Platte lawyers traveled to Gandy and gave speeches. On holidays such as Decoration Day and Independence Day, Lincoln County lawyers traveled throughout the region to speak. In 1890, for example, John Nesbitt delivered the Fourth of July oration at McCook, Hanson Grimes traveled to Grant, Joseph Hoagland spoke at Wallace, and J. W. Bixler delivered an address in Lexington.<sup>57</sup> While these activities were part of their contribution to civic life, speeches and public appearances also served as advertising. Speaking in the rural townships or in neighboring counties allowed the lawyers to meet prospective clients and expand their businesses.

Pioneer lawyers also were active participants in the political life of their communities and the state, and almost every member of the bar sought an elective office at one time or another. Lower court judgeships were the most common elected positions, with police court, justice courts, and county court judgeships being the most frequently sought offices. The bench of the county court was a prestigious and financially rewarding position. The county courts handled most preliminary examinations

in criminal matters and served as the county's probate court. At least six North Platte attorneys held the position during the period of this study, and the election for the post was always hotly contested.<sup>58</sup>

The district court bench attracted some of the best lawyers. In Lincoln County's judicial district, for example, six attorneys sat on the bench between 1876 and 1900: William Gaslin (1876–82), Samuel Savidge (1883), and Francis Hamer (1883–88) from Kearney; and from North Platte, Alonzo Church (1888–91), William Neville (1892–96) and Hanson Grimes (1897–1921). Grand Island attorneys, T. O. C. Harrison (1886–92) and John Thompson (1892–1904) served on the bench of their judicial districts. Each of these men was considered a leader of their respective bars. State statutes required that district court judges be thirty years of age and three-year residents of the state. The judges who sat in Lincoln County's district averaged forty-four years of age and had seventeen years of legal service. Two district judges—Francis Hamer and T. O. C. Harrison—went on to serve on the Nebraska Supreme Court.<sup>59</sup>

At least a few lawyers in each of the major legal centers also dabbled in state and national politics. Othman Abbott served one term as a state senator and was Nebraska's first lieutenant governor. T. O. C. Harrison represented Hall County in the state legislature, and at least eight members of the Lincoln County bar served in the state legislature.

William Neville of North Platte was one of the most successful lawyer-politicians. Before moving to North Platte he had served in the Illinois and Nebraska legislatures. He was elected mayor of North Platte and served two terms as a district court judge. In 1899 he was elected to fill a vacant seat in Congress, and he was reelected in 1902. He died in Arizona Territory, where he was practicing law and serving in the territorial legislature.<sup>60</sup> Lawyers were perfect candidates for elective positions because they became well known while attending court in

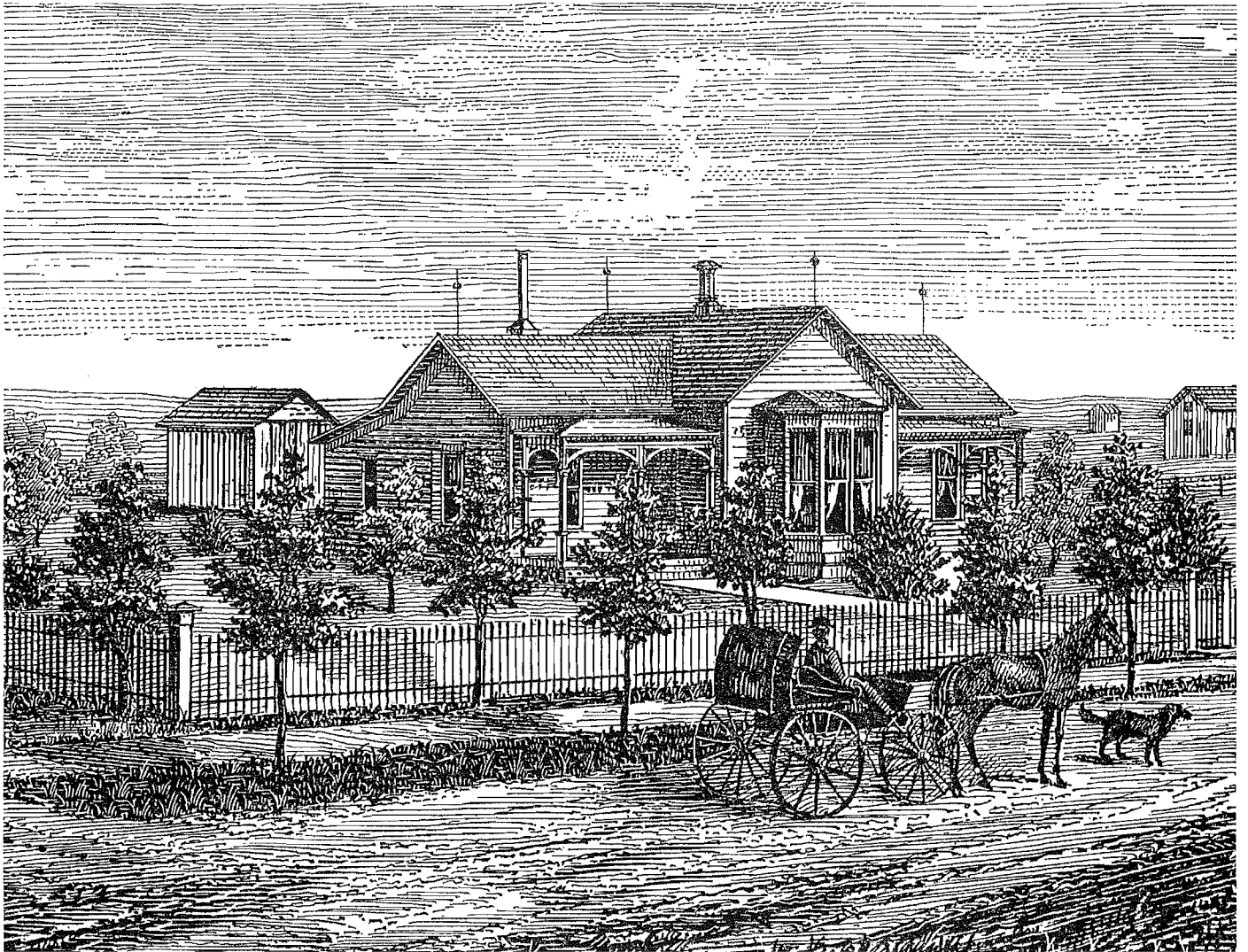
neighboring counties. As practicing and proficient lawyers, they also could vocalize the needs of their constituents and effectively state and argue their cases.

## Platte Valley Law and Order

A common misconception about the early Plains is that the region was virtually without law. According to this belief, citizens took the law into their own hands in the absence of law and order. Gamblers, pimps, and ne'er-do-wells were driven out of town, while vigilantes dispatched horse thieves and murderers with rope and lead. Such an image, however, fails to consider that Nebraska was really never without law. Francis Hamer's dogged quest to find a community that needed another lawyer shows that if anything Great Plains towns had too many lawyers. Both Kearney and North Platte, for example, had resident lawyers before a physical town existed, and each had a resident legal community within months of being established. Lawyers brought with them knowledge of the law and its institutions that allowed the legal system to operate and the law to function in newly settled regions of the Plains.

The killing of Charles Colleton in Lincoln County provides an example of how new communities handled criminal matters and how pioneer lawyers helped administer justice. Early in the evening of November 7, 1868, John Burley shot and killed Colleton while robbing him near Fort McPherson. Authorities quickly captured Burley and returned him to North Platte. Most believed Burley was responsible for the killing and at least a few people talked openly of lynching him. Lincoln County had no jail or courthouse, and the nearest district judge sat several hundred miles away in Fremont. Yet the people of North Platte did not hang John Burley. Instead, they put together a criminal justice system, called on the district court judge, and tried him for murder. Beach Hinman was on hand to represent Burley. He skillfully defended his client by getting the judge to grant a

## Platte Valley Lawyers



The Residence of Samuel L. Savidge, Kearney, about 1880. *History of the State of Nebraska*

change of venue, appealed Burley's case to the state supreme court when he was convicted, and eventually convinced the jury to convict on manslaughter rather than murder during his second trial.<sup>61</sup>

The presence of lawyers such as Hinman in North Platte, Abbott in Grand Island, and Hamer in Kearney enabled the criminal justice system to function as soon as communities emerged, and the early lawyers provided competent and efficient legal representation.<sup>62</sup> Western Nebraskans did not have to rely

on lawyers from Omaha and Lincoln to conduct their legal business. Nor was the legal community of western Nebraska stocked with hacks who were ignorant of the law. Towns on the Great Plains of Nebraska were blessed with a stable and competent bar. Although the western attorneys were generally younger than those of eastern states and had significantly less legal experience when they migrated to the Platte Valley, they arrived well trained and ready to practice law.

The legal profession in Nebraska's

Platte Valley contributed to community development by participating in political, civic, and social affairs. Attorneys regularly represented the interests of western Nebraska in the state and national legislatures. They also contributed to the intellectual and social development of the population by speaking at public functions, giving lectures, and participating in social events. In many ways, they can be viewed as community builders. Lawyers who settled permanently hoped to live in prosperous communities where they



could cultivate long-lasting practices contribute to the well being of the society, and enjoy their private lives with family and friends.

The early presence of a well-trained skilled legal community also suggests that the Great Plains was not a lawless region. Even though some areas witnessed occasional outbreaks of vigilantism, they were episodic rather than epidemic. The presence of functioning and proficient legal communities thwarted the regular use of extralegal organizations and vigilantism. When they migrated to the Platte Valley, attorneys brought with them a working knowledge of the law that allowed the legal system to operate efficiently and fairly.

## Notes

<sup>1</sup> Hamer, Francis G., Papers, RG4471, Nebraska State Historical Society, Lincoln [hereafter cited as Hamer Papers]; A. T. Andreas, *History of the State of Nebraska* (Chicago: Western Historical Company, 1882), 433; *Buffalo County, Nebraska, and its People* (Chicago: The S. J. Clarke Publishing Company, 1916), 90–94 [hereafter cited as *Buffalo County*]; *Biographical Souvenir of the Counties of Buffalo, Kearney, Phelps, Harlan, and Franklin, Nebraska* (Chicago: F. A. Batty & Co., 1890), 158–63 [hereafter cited as *Biographical Souvenir*].

<sup>2</sup> For biographical information on Alexander Connor see, “Biographical Sketch,” Hamer Papers; *Biographical Souvenir*, 472–74.

<sup>3</sup> For Grand Island lawyers see A. F. Buechler and R. J. Barr, *History of Hall County* (Lincoln: Western Publishing and Engraving Co., 1920), 413–15. For North Platte lawyers, see Daniel Gantt Papers, RG3267, Nebraska State Historical Society; Ira T. Bare and William McDonald, *An Illustrated History of Lincoln County, Nebraska, and her People* (Chicago: The American Historical Society, 1920), 31–33, 108–13; Mary Hutton, “An Early History of North Platte, Nebraska,” Master’s thesis, University of Nebraska, 1944; and Mark R. Ellis, “Law and Order in Buffalo Bill’s Country: Crime and Criminal Justice in Lincoln County, Nebraska, 1868–1910, Ph.D. diss., University of Nebraska-Lincoln, 1999, 140–46. For biographical information on Caleb Dilworth, see *Biographical & Historical Memoirs of Adams, Clay, Webster, and Nuckolls Counties, Nebraska* (Chicago: The Goodspeed Publishing Co., 1890), 236–37; and Andreas, *History of Nebraska*, 1063–64.

<sup>4</sup> “Miscellaneous Documents,” Hamer Papers.

<sup>5</sup> Very few studies of lawyers in the American

West exist. See Gordon Bakken, *Practicing Law in Frontier California* (Lincoln: University of Nebraska Press, 1991); William Francis English, *The Pioneer Lawyer and Jurist in Missouri* (Columbia: University of Missouri, 1947); C. Robert Haywood, *Cowtown Lawyers: Dodge City and its Attorneys, 1876–1886* (Norman: University of Oklahoma Press, 1988); Andrew Koszewski, “Career Differentiation: The Legal Community in Lincoln, Nebraska, 1880–1891,” *Great Plains Research* 2 (Summer 1992): 281–300; Maxwell Bloomfield, “The Texas Bar in the Nineteenth Century,” *Vanderbilt Law Review* 32 (January 1979): 261–76; Glen Shirley, *Law West of Fort Smith: A History of Frontier Justice in the Indian Territory, 1834–1896* (Lincoln: University of Nebraska Press, 1957); Shirley, *Temple Houston: Lawyer with a Gun* (Norman: University of Oklahoma Press, 1980).

On courts in the American West, see Lawrence Friedman and Robert Percival, *The Roots of Justice: Crime and Punishment in Alameda County, California, 1870–1910* (Chapel Hill: University of North Carolina Press, 1981); John R. Wunder, *Inferior Courts, Superior Justice: A History of the Justices of the Peace on the Northwest Frontier, 1853–1889* (Westport, Conn.: Greenwood Press, 1979); Shirley, *Law West of Fort Smith*; Haywood, *Cowtown Lawyers*; John D. W. Guice, *The Rocky Mountain Bench: The Territorial Supreme Courts of Colorado, Montana, Wyoming, 1861–1890* (New Haven, Conn.: Yale University Press, 1972).

<sup>6</sup> There is a fair amount of published and unpublished scholarship on a select group of pioneer Nebraska lawyers. Students at the University of Nebraska, the Nebraska State Bar Association, and Nebraska State Historical Society publications have preserved the lives and legacies of dozens of prominent lawyers and jurists. Most of these works focus on the lives of territorial judges, Nebraska Supreme Court Justices, and prominent Omaha attorneys. Very little work has been done on the bar outside of Douglas and Lancaster counties.

For unpublished work by Nebraska graduate students, see Andrew Koszewski, “William Jennings Bryan’s Law Practice in Nebraska, 1887–1891,” Master’s thesis, University of Nebraska-Lincoln, 1991; Ellis, “Law and Order in Buffalo Bill’s Country”; Frank E. Landis, “Life and Judicial Career of T. L. Norval,” Master’s thesis, University of Nebraska, 1937; Johannes M. Klotsche, “The Political Career of Samuel Maxwell,” Master’s thesis, University of Nebraska, 1928; Richard Donald Rowley, “The Judicial Career of Samuel Maxwell,” Master’s thesis, University of Nebraska, 1928; David H. Price, “The Public Life of Elmer S. Dundy, 1857–1896,” Master’s thesis, University of Nebraska at Omaha, 1971; and Roscoe E. Wright, “Judge William Gaslin, Jr.,” Master’s thesis, University of Nebraska, 1934.

During the first three decades of the twentieth century, as members of the pioneer bar began to die, the state bar association printed memorials or short biographies of many long time Nebraska lawyers in the *Proceedings of the Nebraska State*

*Bar Association* and in *Nebraska Law Bulletin*. John F. Cordeau, “William Gaslin,” *Nebraska Law Bulletin* 4 (January 1926): 300–11; Robert W. Devoe, “William Pitt Kellogg,” *Nebraska Law Bulletin* 4 (January 1926): 267–98; Alice Ferguson Forbes, “Fenner Ferguson, First Chief Justice,” *Nebraska Law Bulletin* 3 (January 1925): 308–16; John Lee Webster, “Nebraska’s Early Lawyers and their Place in State History,” *Nebraska Law Bulletin* 5 (February 1927): 367–77; Grace Wheeler Mason, “Oliver Perry Mason,” *Nebraska Law Bulletin* 5 (November 1926): 163–75.

The Nebraska State Historical Society has also added to the literature on Nebraska’s pioneer lawyers through publications in its *Transactions and Reports* and in *Nebraska History*. Othman A. Abbott, “Recollections of a Pioneer Lawyer,” *Nebraska History* 11 (January–September 1928): 3–176; C. A. Baldwin, “Judge James W. Savage,” *Transactions and Reports of the Nebraska State Historical Society* (1892): 61–71; John S. Goff, “Isham Reavis, Pioneer Lawyer and Judge,” *Nebraska History* 54 (Spring 1973): 1–46; Mary Cochran Grimes, “Chief Justice Daniel Gantt of the Nebraska Supreme Court: Letters and Excerpts from His Journals, 1835–1878,” *Nebraska History* 61 (Fall 1980): 281–309; Michael W. Homer, “The Territorial Judiciary: An Overview of the Nebraska Experience, 1854–1867,” *Nebraska History* 63 (Fall 1982): 349–80; Samuel Maxwell, “Honorable E. H. Rogers,” *Transactions and Reports of the Nebraska State Historical Society* (1887): 321–25; Ruth K. Nueremberger, ed., “Letters from Pioneer Nebraska by Edward R. Harden, Territorial Judge, 1854–1856,” *Nebraska History* 27 (January–March 1946): 18–46; W. Morton Smith, “Supreme Judges of Nebraska,” *Transactions and Reports of the Nebraska State Historical Society* (1892): 115–19; Stephen J. Turille, “The Biography of a Nebraska Pioneer, Judge Monroe W. Neihart,” *Nebraska History* 18 (July–September 1937): 163–71; E. Wakeley, “Reminiscences of the Third Judicial District, 1857–1861,” *Transactions and Reports of the Nebraska State Historical Society* (1894): 150–16.

See also Mark R. Ellis, “For the Advancement of the Honor and Dignity of Our Profession: The Nebraska State Bar Association, 1900–2000,” *The Nebraska Lawyer* (December–January 1999–2000): 7–16; Koszewski, “Career Differentiation,” 281–300; Tara L. Muir, “From Petticoats to Petitions: The First 100 Women Attorneys of Nebraska” *The Nebraska Lawyer* (March–January 1999–2000): 44–47; George D. Watson, Jr., *Prairie Justice: One Hundred Year Study of the Legal System of Chadron and Dawes County* (Chadron, Nebraska: B & B Printing, n.d.), 21–29; and Richard K. Watts, “Nebraska’s First Woman Lawyer, Ada Bittenbender, 1848–1925,” *The Nebraska Lawyer* (March 1998): 18–20.

<sup>7</sup> See Shirley, *Law West of Fort Smith*; Shirley, *Temple Houston*.

<sup>8</sup> Legal centers also appeared south of the Platte River on the Burlington line. Hastings emerged as the dominant legal center in this region—perhaps

## Platte Valley Lawyers

even larger than those in the Platte Valley—because of its position as a railroad hub and county seat. By 1882 eighteen lawyers practiced in Hastings. Smaller legal communities south of the Platte included Holdrege, Red Cloud, Alma, and McCook. The last frontier for the legal profession was the Sandhills. Beginning in the mid-1880s rail lines penetrated the heart of the Sandhills and legal communities appeared in Broken Bow, Chadron, and Valentine, although all of these towns frequently called on lawyers from larger communities during district court sessions. The data on Platte Valley lawyers comes from Lincoln County District Court Journals, Dockets, and Case Files, Lincoln County Courthouse, North Platte; the Nebraska State Census of Population (1885) for Buffalo County, Hall County, and Lincoln County (census materials are on microfilm at the Nebraska State Historical Society); and Buechler and Barr, *History of Hall County*, 423–28.

<sup>9</sup> U.S. Census of Population (1900), Lincoln County.

<sup>10</sup> *The Enterprise* (North Platte), Aug. 29, 1874; *The Tribune* (North Platte), June 25, May 5, 1887; May 12, June 9, and Aug. 11, 1888; Oct. 22, Dec. 17, 1890; Sept. 16, 1891; June 15, 1892; Mar. 21, Nov. 28, 1894; *The Independent Era* (North Platte), July 30, Dec. 24, 1896; Dec. 30, 1897; Jan. 6, Apr. 7, and May 19, 1898; Apr. 17, Sept. 21, 1899.

<sup>11</sup> *The Tribune*, May 4, June 6, 1888; Keith County District Court Appearance Dockets, 1878–89, NSHS; Haywood, *Courtroom Lawyers*, 49.

<sup>12</sup> Lincoln County District Court Dockets, 1868–73; Buechler and Barr, *History of Hall County*, 413–15.

<sup>13</sup> Abbott, "Recollections of a Pioneer Lawyer," 115–21.

<sup>14</sup> Buechler and Barr, *History of Hall County*, 415, 418–21, 628–29, 638–39; Andreas, *History of Nebraska*, 939, 942.

<sup>15</sup> Abbott, "Recollections of a Pioneer Lawyer," 115–76; Buechler and Barr, *History of Hall County*, 565–67; Andreas, *History of Nebraska*, 937–38.

<sup>16</sup> "Miscellaneous Papers," Hamer Papers; Andreas, *History of Nebraska*, 433; *Buffalo County*, 90–94; *Biographical Souvenir*, 158–63.

<sup>17</sup> Andreas, *History of Nebraska*, 1099; Bare and McDonald, *An Illustrated History of Lincoln County*, 31–33.

<sup>18</sup> Lincoln County District Court Dockets, 1868–73; U.S. Census of Population (1870) Lincoln County; *The Enterprise* (North Platte), July 6, 1874; Ellis, "Law and Order in Buffalo Bill's Country," 444–46.

<sup>19</sup> Buffalo County District Court Daily Journals, Journal A, NSHS; *Central Nebraska Press* (Kearney Junction), Mar. 4, 1873; Andreas, *History of Nebraska*, 431, 437.

<sup>20</sup> *Central Nebraska Press*, Apr. 24, 1873; Apr. 16, 1874.

<sup>21</sup> Little biographical information exists on the lives of Sidney lawyers George Heist and George Ballou. Heist was a lawyer from New York and probably arrived in Sidney around 1870. Ballou briefly practiced in North Platte before moving in 1871 to Sidney. U.S. Census of Population (1880), Cheyenne County; *Sidney Telegraph*, Feb. 25, 1875; Jan. 6, Apr. 28, 1877; July 21, 1883.

<sup>22</sup> *Sidney Telegraph*, Sept. 23, 1875; Dec. 30, 1876.

<sup>23</sup> Andreas, *History of Nebraska*, 538; *Sidney Telegraph*, July 7, 21, 1883.

<sup>24</sup> Andreas, *History of Nebraska*, 431, 437; *Biographical Souvenir*, 334–38.

<sup>25</sup> Bare and McDonald, *An Illustrated History of Lincoln County*, 31–33; Andreas, *History of Nebraska*, 1099.

<sup>26</sup> *Sidney Telegraph*, July 21, 1883; Lucy Hewitt, "Early Days in Dawson County," in *Collection of Nebraska Pioneer Reminiscences* (Nebraska Society of the Daughters of the American Revolution, 1916), 67–71.

<sup>27</sup> For more biographical information on William Neville, see Bare and McDonald, *An Illustrated History of Lincoln County*, 89–90, 112; Andreas, *History of Nebraska*, 1100; *The Tribune*, Apr. 9, 1891; *The Independent Era*, Sept. 4, 1899.

<sup>28</sup> John Halligan was the son of Irish immigrants who settled in Keith County, Nebraska. He attended the University of Nebraska, read law in a Lincoln law office, and was admitted to the bar in 1885. He practiced in Ogallala and Omaha before opening a law office in 1895 at North Platte. Both of his sons graduated from the law school at the University of Nebraska and practiced in Lincoln County. Halligan's name appears as the attorney of record on more than 50 percent of the docketed cases during the 1880s. During his Keith County tenure, Halligan went up against Beach Hinman, William Neville, Harrison Babb, Alonzo Church, John Nesbitt, James Day, and W. Lemon. Keith County District Court Appearance Dockets, 1878–89. For further information about Halligan, see Bare and McDonald, *An Illustrated History of Lincoln County*, 45–46.

<sup>29</sup> The following attorneys were all admitted to the bar after moving to North Platte: James Beeler, H. C. Colburn, Alonzo Church, Edwin Day, R. C. Dougherty, Thomas Harvey, Thomas Patterson, James Ray, and C. H. Street. See "Bar Examinations," Miscellaneous Documents, Lincoln County District Court.

<sup>30</sup> This study defines a "self-made attorney" as one who was able to gain admittance to the bar while working at another trade. During this period a lawyer was not required to hold a law degree, which allowed members of the working class to gain admission to the bar in their spare time.

<sup>31</sup> Alonzo Church was born in Illinois. He fought for the Union during the Civil War and was a prisoner of war at Andersonville for nine months.

Church worked in Omaha and North Platte for the Union Pacific Railroad and was admitted to the bar in 1873. He was active in the civic and political affairs of Lincoln County. His contributions included service on the school board, chairman of the judicial district's Republican Committee, and commander of the G.A.R. post. More details on Alonzo Church can be found in Bare and McDonald, *An Illustrated History of Lincoln County*, 111–12; Andreas, *History of Nebraska*, 1099; *Independent Era*, June 25, 1887; Jan. 11, 1895; *The Republican*, Nov. 17, 1877; Oct. 22, 1881; *The Enterprise*, Sept. 13, 1873; *The Tribune*, Dec. 12, 1891; May 10, 1893.

<sup>32</sup> James Ray was a sawmill laborer, engineer, schoolteacher, and editor prior to his admission to the bar in 1886 at the age of forty-two. He served as county judge throughout the 1890s. See *The Tribune*, Aug. 28, 1889; Sept. 11, 1893; Andreas, *History of Nebraska*, 1100.

<sup>33</sup> While a resident of Lincoln County, Edwin Day worked as a newspaper editor, photographer, and lawyer. He was instrumental in organizing the North Platte post of the G.A.R. After practicing law in North Platte and Ogallala, he moved to Whatcom, Washington, where he published a newspaper with his son. For more information about Day, see *The Independent Era*, Sept. 15, 1898; Andreas, *History of Nebraska*, 1099.

<sup>34</sup> Koszewski, "Career Differentiation," 293.

<sup>35</sup> Several sources were used to identify Platte Valley lawyers: state and federal censuses, newspapers, collective biographies, newspaper advertisements, and court dockets. Collective biographies and county histories are a useful source for identifying prominent, or long-standing members of the legal community. A. T. Andreas, *History of the State of Nebraska*, was the most helpful source because it was published in the early 1880s, just as Nebraska's pioneer bars were being restocked with new arrivals as the state population boomed. Additional biographies can be found in county histories such as Bare and McDonald, *An Illustrated History of Lincoln County*; *Buffalo County, Nebraska and its People*; *Biographical Souvenir of the Counties of Buffalo, Kearney, Phelps, Harlan, and Franklin, Nebraska*; Buechler and Barr, *History of Hall County*. Collective biographies, however, can be problematic because they usually list only the most prominent members of the bar. Biographies were published for a fee and not all the attorneys could afford to have their stories printed. When crosschecked with census records, however, collective biographies can provide a close to complete listing of the legal community. The United States censuses for 1870 and 1880, and the Nebraska state census for 1885 were used. Censuses also create problems because these sources identify lawyers only on one specific day in each decade. If a lawyer arrived in Grand Island in 1871 and left in 1879, for example, the census would be useless.

Court dockets and newspapers are probably the

two best sources. Court dockets list the attorney of record for each case that came before the court. Because Lincoln County has a complete run of both county and district court dockets, the name of every lawyer who practiced before the court is preserved. Using court dockets identified at least eight Lincoln County attorneys whose names did not appear in census data. Local newspapers provide yet another valuable record because attorneys regularly advertised their services. Newspapers also reported the arrival of new attorneys and the partnerships that were formed. Because the Lincoln County legal community actively engaged in politics, their names regularly appeared in election results, editorials, and local news blurbs. Still, the figure I came up with probably is an undercount. Sidney Sapp, for example, practiced law in Lincoln County for less than a year. His name does not appear in county histories, census records, or docket books. His name does appear, however, in the North Platte newspapers.

<sup>36</sup> Muir, "From Petticoats to Petitions," 46–47.

<sup>37</sup> Addison E. Sheldon, *Nebraska: The Land and the People* (Chicago: Lewis Publishing, 1931), 579.

<sup>38</sup> For information on Andrews, see Andreas, *History of Nebraska*, 430.

<sup>39</sup> For biographical information on Beeler, see Bare and McDonald, *An Illustrated History of Lincoln County*, 82; for Rief, see Buechler and Barr, *History of Hall County*, 426; Andreas, *History of Nebraska*, 941.

<sup>40</sup> For a delineation of Nebraska's bar requirements during the nineteenth century, see *The General Statutes of the State of Nebraska* (Lincoln: State Journal Company, 1873), 94–98.

<sup>41</sup> For a firsthand account of a nineteenth-century legal education, see Abbott, "Recollections of a Pioneer Lawyer," 98–108.

<sup>42</sup> "Biographical Sketch," Hamer Papers.

<sup>43</sup> Harrison Babb practiced law in North Platte from 1876 to 1883. He was the defense lawyer in several high profile criminal cases—including three murder cases—during his career. Babb died suddenly in July 1883 in North Platte. See Andreas, *History of Nebraska*, 1089; Bare and McDonald, *An Illustrated History of Lincoln County*, 110–11. George French was born in Ohio and came to North Platte in 1886 after practicing in Iowa for three years. At one time or another he served as city attorney, county attorney, county judge, and register of the U.S. land office. He practiced law in North Platte until his death in 1918. Bare and McDonald, *An Illustrated History*, 110. Wesley Wilcox, the son of English immigrants, was born in 1857 in Ohio. After practicing law in Iowa, he moved to North Platte in 1886, where he was

associated with four different partners including French, H. Williams, Hanson Grimes, and John Halligan. He served one term as county attorney and in 1899 was elected to the state legislature. Bare and McDonald, *An Illustrated History of Lincoln County*, 238–39.

For a contemporary discussion on the state of legal education and law schools in the United States, see H. L. Wilgus, "Legal Education in the United States," *Michigan Law Review* 6 (1908): 647–78.

<sup>44</sup> Abbott, "Recollections of a Pioneer Lawyer," 102–8.

<sup>45</sup> "Bar Examinations," Miscellaneous Documents, Lincoln County District Court.

<sup>46</sup> Landis, "Life and Judicial Career of T. L. Norval," 11–13; Haywood, *Cowtown Lawyers*, 49–50.

<sup>47</sup> "Bar Examinations," Miscellaneous Documents, Lincoln County District Court.

<sup>48</sup> *The Enterprise*, Sept. 13, 1873.

<sup>49</sup> The examining committee consisted of Alonzo Church, John Delany, Beach Hinman, and T. Fulton Gantt. *The Enterprise*, Apr. 11, 1874.

<sup>50</sup> Buechler and Barr, *History of Hall County*, 413–23; *North Platte Telegraph*, Sept. 29, 1881.

<sup>51</sup> Ellis, "Law and Order in Buffalo Bill's Country," 140–41; T. Fulton Gantt was born in Pennsylvania in 1849. He came to Nebraska in 1857 with his father and settled in Nebraska City. Gantt worked for the Union Pacific Railroad as it was being built through Nebraska. He lived in North Platte in 1866–67 when it was a wild railroad camp composed of tents and temporary buildings. In 1868 he returned to Nebraska City, where he read law under his father, Daniel Gantt; the elder Gantt sat on the Nebraska Supreme Court during the 1870s. T. Fulton Gantt moved to North Platte shortly after he was admitted to the bar in 1870 and joined Beach Hinman in a law partnership. The pair practiced together until Gantt left for Custer City, Dakota Territory, in 1877 and they reestablished their law firm when Gantt returned in 1888. Gantt was a well-known attorney who regularly defended railroad workers in suits against their employers. He played an active role in the formation of the Populist Party in western Nebraska and was a member of the Knights of Labor. For more on T. Fulton Gantt's life, see "Gantt Diary" in the Daniel Gantt Papers; *The Independent Era*, Aug. 26, 1897; Bare and McDonald, *An Illustrated History of Lincoln County*, 112.

<sup>52</sup> Buechler and Barr, *History of Hall County*, 424; *The Republican*, Jan. 6, 1877. Little is known about R. C. Dougherty. He appeared in North Platte during the late 1860s and served as a justice of the

peace and county treasurer. He was admitted to the bar in 1877, partnering with John Delany for many years. They regularly conducted business in Sidney and Ogallala. *The Republican*, July 1, 1876; *The Independent Era*, Sept. 17, 1896; May 13, June 17, 1897; Andreas, *History of Nebraska*, 1100.

<sup>53</sup> Ellis, "Law and Order in Buffalo Bill's Country," 145–46; Buechler and Barr, *History of Hall County*, 424–427.

<sup>54</sup> *The Independent Era*, May 6, 1897.

<sup>55</sup> Abbott, "Recollections of a Pioneer Lawyer," 122; For Abbott as a community builder, see *ibid.*, 121–32.

<sup>56</sup> *The Independent Era*, Nov. 29, 1893.

<sup>57</sup> For a few examples see *The Independent Era*, July 6, July 8, 1897; June 2, 1898; June 6, July 7, 1899; *The Tribune*, July 2, 1890; June 28, 1893.

<sup>58</sup> For a discussion of the office of Justice of the Peace, see Wunder, *Inferior Courts*; Lincoln County Court Criminal Dockets, 1870–1910, NSHS; Ellis, "Law and Order in Buffalo Bill's Country," 73–76.

<sup>59</sup> Prior to 1875 the justices of the Nebraska Supreme Court served as district court judges. Samuel Maxwell, Lorenzo Crounse, and Daniel Gantt held district court in Lincoln County. In 1875 the Supreme Court justices were relieved from district court duty when district judgeships became elective posts; Ellis, "Law and Order in Buffalo Bill's Country," 87–92.

<sup>60</sup> Beach Hinman, Hanson Grimes, Joseph Hoagland, Walter Hoagland, John Nesbitt, William Neville, Wesley Wilcox. William Neville's son, Keith, followed in his father's political footsteps when he successfully ran for governor of Nebraska in 1916. Keith Neville was not a lawyer, however. He took over his grandfather's ranching interests.

<sup>61</sup> Lincoln County District Court, Criminal Case Files, Box 1.

<sup>62</sup> In his two books on the overland trail, John Phillip Reid thoroughly discusses the concept of a carried legal culture among overland immigrants. He argues that nineteenth-century Americans had a keen understanding of the law and its functions, which they brought with them when they migrated across the continent. The presence of a shared legal culture allowed emigrants to administer justice far away from established courts, judges, and law enforcement. See John Phillip Reid, *Law for the Elephant: Property and Social Behavior on the Overland Trail* (San Marino, Calif.: Huntington Library, 1980); and *Policing the Elephant: Crime and Social Behavior on the Overland Trail* (San Marino, Calif.: Huntington Library, 1997).