

## **Judge James William Eller (1846-1923)**

(James William<sup>6</sup>; Henry<sup>5</sup>; John Sr<sup>4</sup>; George<sup>3</sup>; Christian<sup>2</sup>; Casper<sup>1</sup>)

By Harvey Powers

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James William Eller was born on May 29, 1846, in Bloomington, Indiana.

Eller lived a tragic life. He was disabled in the Civil War. His first two children died in infancy. His wife was fatally burned in an explosion at their home. And son Donald died of a easily cured disease because he didn't believe in Doctors.

On 26 Nov 1863, at the age of 17, James William Eller volunteered for the Union Army. He served with his cousin, Henry B.A. Eller. They were in Troop I, 10th Indiana Cavalry, where he served until the end of the war. This unit moved from Indiana to Tennessee and Decatur, Alabama. Later it was involved in battles around New Orleans.

At the close of the war, near Vicksburg, James William Eller became ill from diarrhea. He was hospitalized. In his application for a Union Army pension (dated 7 Aug 1866), he complained that this disability prevented him from doing any heavy work. <sup>i</sup>

He was among the first students to attend the new State University in Indiana. He later attended and graduated from Chicago Law School.

He moved to Nebraska in 1871 (date included in a pension application) along what was termed the "Oregon trail." It must have been "the frontier," since his wedding was the first recorded in Filmore County.

He moved to Fairmont in 1873, and Omaha in 1886.

He practiced law in that area until (says his obituary) "...failing health forced him to close up that line of his work." This health problem, he would claim, was related to the illness he suffered in the war. <sup>ii</sup>

During that period, he was elected District Attorney for the Omaha area (1875, two terms, Nebraska Blue Book). His obituary in the Filmore County News of 06 Sep 1923 says he also served as a County Judge about 1903. Another obituary (Tryon Graphic, 18 Oct 1923) says he served as the clerk of the Nebraska State Legislature.

James William Eller and Frances Hager Eller had 10 children: Ivy N. (1874-1875); Carl H. (1876-1878), Harley McVicker (1878-1957), Laura Leone (1879-1970), Wayne McVeigh (1881-1959), Frances "Frankie" Hager (1883-1966), Bayerd Taylor (1884-1951), Donald K. (1886-1902), Ida Effie (1887-1916) and Mildred Irene (1893-1950).

The first two children died as infants.

James' wife, Francis, died around Christmas 1898. Newspaper accounts say she died in an explosion that occurred when son Wayne was removing turpentine that was being heated on the stove to be used to polish the floors for dancing. Some spilled, burning Mrs. Eller, Wayne, son Harley and James William. <sup>iii</sup>

In the census of 1900, James William Eller is still in Omaha. The census shows the remaining eight children in the home and a 28-year old woman, Louise Millagan, who is listed as a Nanny and who gives her profession as a stenographer.

The youngest son, Donald, died in 1902 after suffering from appendicitis. His father refused to allow treatment for Donald because he, the father, was a Christian Scientist. Newspaper accounts suggest it was quite an issue between the authorities and Mr. Eller. <sup>iv</sup>

In 1905, James W. Eller left Omaha and the law and took a "soldier's homestead" in McPherson County, Nebraska. Family stories say he was upset over the death of his wife and son. Some say he went "round the bend."

In the census of 1910, at age 64, he is shown as the "Head of the Household" and there are two people there, identified as servants, Rachel E. Markham (45,

identified as a widow) and Herman Markham (19, identified as a farm worker). Rachel is shown as having been born in Germany. Herman (perhaps her son) is shown with both parents born in Germany.

The 1910 census shows Louise Millagan living next door.

James William Eller remarried after his move to the "soldier's homestead." On 29 May 1921, at the age of 76, he married 49-year old Louise Millagan, the former Nanny.<sup>v</sup> She was alive at his death.

He died on September 1, 1923, in Tryon, Nebraska, at the age of 77.

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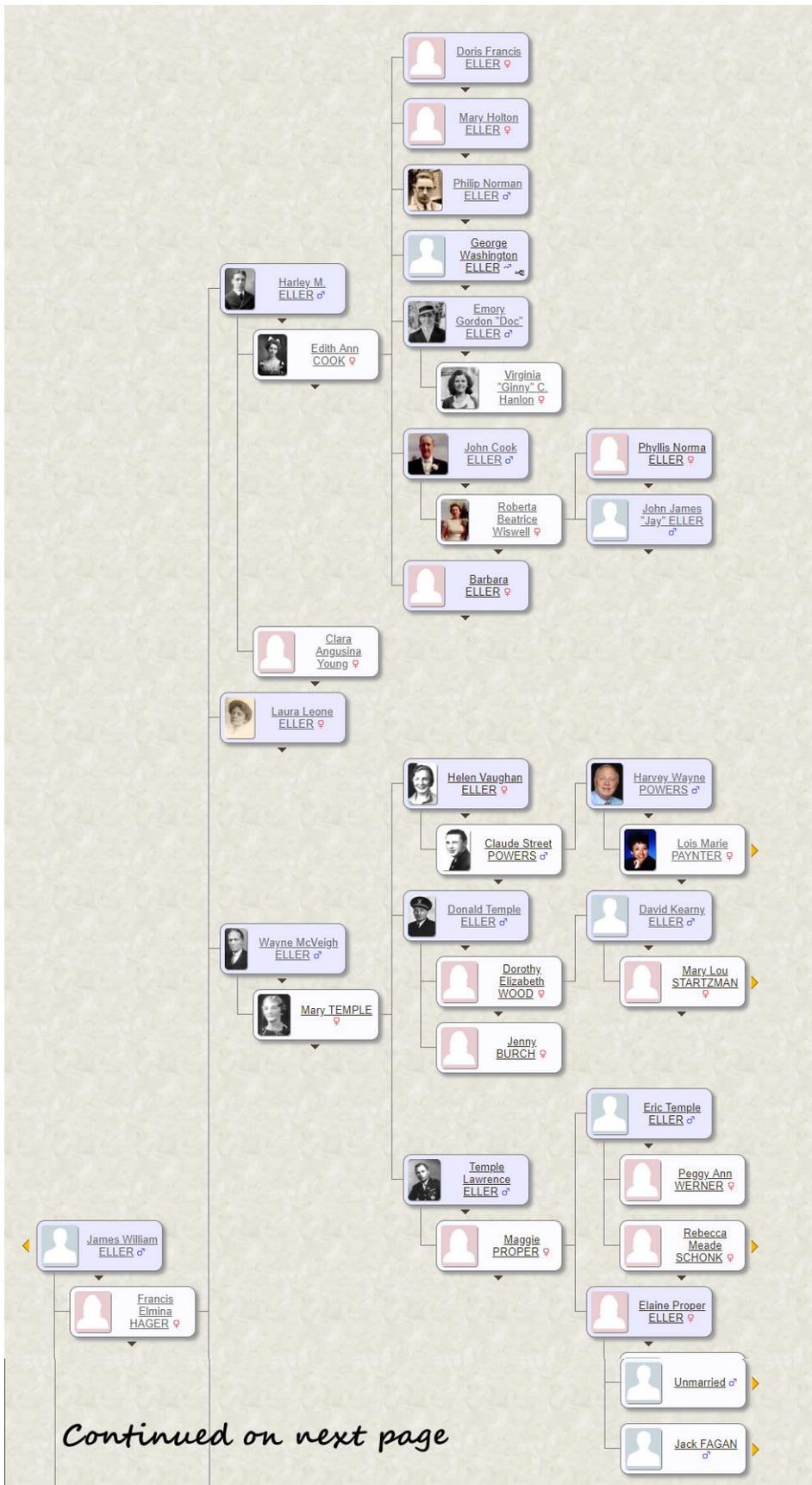
<sup>i</sup> [https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/48257619-de08-4bfc-b67a-229862be5d52?\\_phsrc=hfl2604&usePUBJs=true](https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/48257619-de08-4bfc-b67a-229862be5d52?_phsrc=hfl2604&usePUBJs=true)

<sup>ii</sup> [https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/005d7370-49de-43e8-8dd2-bb111ecfaebb?\\_phsrc=hfl2605&usePUBJs=true](https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/005d7370-49de-43e8-8dd2-bb111ecfaebb?_phsrc=hfl2605&usePUBJs=true)

<sup>iii</sup> [https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/87b417ac-e287-4e61-ba6e-7f87710c8ed2?\\_phsrc=hfl2605&usePUBJs=true](https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/87b417ac-e287-4e61-ba6e-7f87710c8ed2?_phsrc=hfl2605&usePUBJs=true)

<sup>iv</sup> [https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/aa9e1fad-2b5b-4c5c-b048-71240d678790?\\_phsrc=hfl2605&usePUBJs=true](https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/aa9e1fad-2b5b-4c5c-b048-71240d678790?_phsrc=hfl2605&usePUBJs=true)

<sup>v</sup> [https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/c4ef7ea9-a505-4930-a720-e5c17efbcb41?\\_phsrc=hfl2605&usePUBJs=true](https://www.ancestry.com/mediaui-viewer/collection/1030/tree/120910396/person/141001942185/media/c4ef7ea9-a505-4930-a720-e5c17efbcb41?_phsrc=hfl2605&usePUBJs=true)



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