

Rebecca Lena Graham's Fight for Her Inheritance

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In the late summer of 1894, Judge Cornelius H. Hanford presided over a circuit court case in Seattle, Washington, involving Indian inheritance rights. Twenty-six witnesses, including three Indians, gathered in the courtroom in the Colman Building at First Avenue and Columbia to testify about the parentage of Rebecca Lena Graham, born in December 1861. Graham's mother, Peggy Curley, was a Duwamish Indian, and her father was alleged to be Franklin Matthias, a white settler who had died in 1891. Graham, now a woman of 33, had petitioned the court to be recognized as Matthias's child and thereby the heir to his estate. The witnesses were testifying about events that had happened more than 30 years prior to the dispute.¹

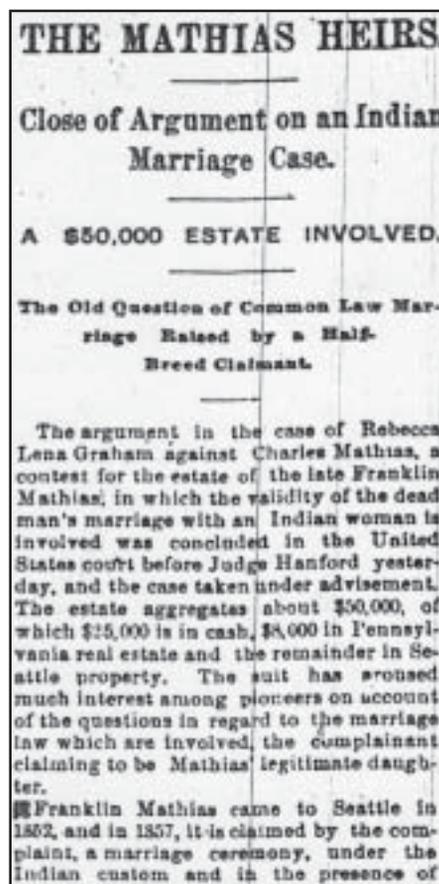
This court case would decide the validity of the marriage between a prominent white settler and a Native American woman and ascertain whether the daughter of this union was the legitimate heir to her father's estate. The white community was apprehensive about the outcome of the case.² There had been a dramatic increase in population in the area, and the residents of Seattle had just come through the financial crisis of 1893. The settlers were concerned about sharing their limited resources with the children of racially mixed relationships. The whites wanted to keep the two races separate, and there were already a fair number of families of mixed blood.³ The treaties of the 1850s had taken away tribal land, but this court case threatened to give mixed-raced Indians property through inheritance rights.

The first white settlers had staked their claims in Seattle in 1851. By 1860 Seattle was a small village with a population of about 300 white people, with only two single white females over the age of 16. By 1894 the population had grown to almost 55,000. Much had happened over the years. The group of witnesses had gathered in the courtroom to avow or refute Rebecca Graham's rela-

tionship to Franklin Matthias. Marriages or relationships between white men and Indian women were fairly common at the time that Matthias and Peggy had allegedly had a relationship, but such relationships usually did not have the approval of society—white or Indian.⁴

Rebecca Graham's mother, Peggy Curley, was born about 1844 into the Duwamish tribe. The *Seattle Post-Intelligencer* (*P-I*) reported that in 1857, at the age of 13, Curley entered into a relationship with Franklin Matthias.⁵ Rebecca was born about two years later. During the 1894 trial, witnesses differed as to whether Curley and Matthias were married or just living together. Some disputed that they had had a relationship at all. They also disagreed about whether Matthias was the father of Rebecca Graham.⁶ Matthias's and Curley's names do not appear together on any legal documents.⁷

According to a *P-I* article on the case, in about 1864 Matthias "joined an alliance with White River Jennie."⁸ Sometime during the previous year, Curley had begun a relationship with a man named David Kellogg, with whom she had a son named John in May 1864.⁹ After his birth, Curley began a relationship with Christian Scheurman. They had seven or eight children together. She is listed as Scheurman's wife in census records, several deeds, and her death notice in the newspaper. Scheurman appeared to be a devoted father and included his stepchildren, Rebecca and John, in the household.¹⁰ Peggy died on February 28, 1884, and was



Concerned about the possible repercussions of Rebecca Graham's suit, Seattleites followed the case closely in the local newspapers. (*Seattle Post-Intelligencer* [*P-I*], July 27, 1894, p. 8)

buried in Potters Field in Georgetown, at that time a community just south of Seattle.¹¹

Peggy's family had strong ties to white leaders. Her uncle, Chief Curley, had a camp a little north of where Seattle's white settlers were living in the 1850s. Chief Curley, whose Indian name was Su-quardle, was friendly with the settlers and his fellow Indians. Most Seattle historians say that Chief Curley warned the whites of an impending Indian attack on January 26, 1856, later known as the Battle of Seattle, a short but significant skirmish.¹² The Indians were driven back until they were no longer a threat to the town. The number of Indians killed varies from one report to another, but the Indians estimated that they had 10 casualties. Only two whites lost their lives and none were injured, but the white population was very traumatized by the event.¹³

In spite of occasional clashes, the Indians and whites lived and worked in near proximity. Chief Curley and some members of his tribe worked at the local sawmill belonging to Henry Yesler.¹⁴ In 1855 Chief Curley's daughter, Susan, had a relationship with Yesler, and the two had a daughter named Julia. She was later informally adopted by the Benson family.¹⁵ Rebecca and Julia Benson were cousins and friends.

The man whom Rebecca Graham believed to be her biological father, Franklin Matthias, was born in 1826 in Blairsville, Pennsylvania, the son of John and Elizabeth Matthias. His father died in 1844 and left his mother with six children, Franklin being the eldest.¹⁶ Matthias had many reasons to seek his fortune.

Sometime after 1850 Franklin Matthias set out for California. On the Willamette River in Oregon Territory, he met up with a group of people headed to Seattle—including Hillory Butler, Dexter Horton, and Erasmus M. Smithers—whom he decided to join.

They arrived in Seattle in 1853, coming by way of Cowlitz and Olympia.¹⁷ Matthias quickly became involved in his new community. In 1855 he joined more than 50 men in forming a volunteer company for the protection of Seattle. The other volunteers included Arthur Denny, David Denny, Erasmus Smithers, Dexter Horton, and Hillory Butler.¹⁸ Listed as a carpenter in the 1860 and 1870 censuses, Matthias built many of Seattle's first houses (most of which were destroyed in the fire of 1889). Both censuses also listed him as single.¹⁹

Matthias's work as a carpenter and builder proved profitable, and he started investing in real estate. By 1880 he had become a real estate dealer.²⁰ As his business dealings increased, he served on the board of trustees for several organizations and was a councilman for Seattle's First Ward for a number of years.²¹

Sometime after 1888, Matthias left Seattle and visited his family back east, afterward ending up in California. He died of "rheumatism of the heart" on August 28, 1891, at Lake Tahoe. His body was taken back to Pennsylvania to be buried.²² According to a *P-I* article published shortly after his death, he "was not married and had no relatives here. He was well known among the early settlers and had many firm friends among them. They pronounce him to have been a man of unswerving honesty and integrity."²³

Rebecca Lena Graham, her half-brother, John Kellogg, and Peggy and Christian's other children were all raised together. Rebecca probably attended Central School on Third and Madison, which opened in September 1870, and completed her education at a convent in Victoria, B.C., most likely St. Ann's Academy.²⁴

During her late teens and early twenties, Rebecca was known by her middle name, Lena. In 1879 she married

John C. Holmes, a railroad engineer from Massachusetts.²⁵ When the census was taken in 1880, John and Lena were living on Second Street, and Lena's younger sister, Mary, age nine, was staying with them. In April 1882 Lena and John had a son, George F. Holmes.²⁶ Lena's mother, Peggy, died two years later. By 1887 Lena and John had had four children.²⁷

In about 1886, one of the children died, and John began to show signs of insanity with homicidal tendencies. In March 1889 he became delusional and violent. John Holmes was soon arrested and brought before the probate court of King County, where he was declared insane and unsafe to be at large. The witnesses were Lena, her cousin Julia Benson, and a police officer.²⁸ The court ordered that he be taken to the Hospital for the Insane in Steilacoom. The court papers state that the cause of insanity was "physical suffering and the death of a favorite child." Holmes died the day that he was taken to Steilacoom of "softening of the brain." He was 37 years old.²⁹

On April 2, 1890, Lena married Victor E. Graham at her stepfather's home in Seattle. Julia Benson and Lena's future brother-in-law, Joseph L. Jenott, were the witnesses.³⁰ Lena went back to using her full name, Rebecca Lena, after the marriage. In December 1890 Rebecca and Victor deeded land over to Rebecca's two children, Lena and George Holmes. A daughter, Iola, was not mentioned on the deed and must have died sometime after her father died but before the land was transferred.³¹ Rebecca and Victor had a son, Victor M. Graham, in January 1891. Later that year Rebecca's daughter, Lena Holmes, age 4 years and 10 days, died of meningitis.³²

One month after her daughter's death, Rebecca's father, Franklin Matthias, died at Lake Tahoe. Matthias's nephew, Charles Matthias of Chicago, and brother-in-law, Cyrus Stouffer of Penn-

AN OLD SETTLER DEAD.

Franklin Matthias, a Builder of Early Seattle, and Solid Citizen.

Charles Matthias, of Chicago, is at the Grand hotel, having come here to settle the affairs of his uncle, Franklin Matthias, an old pioneer of Seattle, who died of rheumatism of the heart at Lake Tahoe, Cal., last August.

Franklin Matthias came to this city from Pennsylvania in 1832, the year the city was founded, and for many years afterwards worked at his trade as a carpenter and joiner. He built some of the first houses erected in the city, but about all the monuments of his skill were destroyed in the great fire. He was commissary-sergeant of the volunteers during the Indian war of 1835. About twenty years ago he stopped working at his trade and became the manager of the Terry estate, a duty he performed for many years with rigid integrity. At the same time he began dealing in real estate, and became interested in the Ballard townsite. He formerly owned the site of the Squire-Latimer building at the corner of Commercial and Main streets, and had a few small buildings on it, but sold it to N. H. Latimer and Judge John P. Hoyt. He left here about five years ago, and went to San Francisco, then to the East, visiting his old home, then went South, and finally went to Lake Tahoe, where he had relatives

and where he died at an age considerably over 60 years.

Mr. Matthias was not married and had no relatives here. He was well known among the early settlers and had many firm friends among them. They pronounce him to have been a man of unswerving honesty and integrity.

Probate Notice.

IN THE SUPERIOR COURT OF THE STATE of Washington, for King county. In probate. In the matter of the estate of Franklin Matthias, deceased. No. 1,391. Order to show cause why distribution should not be made.

Samuel L. Crawford, administrator of the estate of Franklin Matthias, deceased, having filed in this court his petition setting forth that said estate is now in a condition to be closed and is ready for distribution of the residue thereof among the persons entitled by law thereto, and it appearing to the court that said petition sets forth facts sufficient to authorize a distribution of the residue of said estate:

It is therefore ordered by the court that all persons interested in the estate of the said Franklin Matthias, deceased, be and appear before the said superior court of King county, state of Washington, at the court room of the probate department of said court, in the city of Seattle, on the 8th day of September, 1893, at the hour of 9:30 o'clock a. m. of said day, then and there to show cause, if any they have, why an order of distribution should not be made of the residue of said estate among the heirs and persons in said petition mentioned according to law.

It is further ordered that a copy of this order be published once a week for four successive weeks before the said 8th day of September, 1893, in the Post-Intelligencer, a newspaper printed and published in said King county and of general circulation therein.

Done in open court this 31st day of July, 1893.
T. J. HUMES,
Judge of said Superior Court.
State of Washington, County of King, ss.

Franklin Matthias was a well-respected member of the community. Some Seattleites may have been shocked to learn of Graham's allegations. (Left: *P-I*, Oct. 7, 1891, p. 2; right: clipping, n.d., in *Graham v. Matthias [sic] et al.*, box 48, Dockets and Case Files of the Northern Division, 1890-1911, RG 21, Pacific Alaska Region, National Archives, Seattle)

sylvania, both went to Seattle to settle the estate. On September 16, Stouffer was named the administrator of the estate.³³ In October a King County Superior Court judge, most likely feeling that the case needed local representation, replaced Stouffer with Samuel L. Crawford of Seattle as the administrator of the estate. Estate notices were published in the local newspapers. The value of the estate was between \$40,000 and \$100,000—sources vary on the amount.³⁴

It is not known when Rebecca Graham saw the notice, but on April 1, 1893, her lawyers petitioned the court for her distribution of the estate. On September 8,

1893, the administrator settled the final account, and the estate was ready for distribution to Matthias's two surviving sisters and seven nieces and nephews. Later that month Graham's attorneys again petitioned the court, this time to have the case moved from the local court to the circuit court. Because Franklin Matthias died in California, owned real property (such as land and buildings) in Washington State, and was considered a legal resident of and owned personal property (property other than land and buildings) in Pennsylvania, it was appropriate that the case be reviewed in federal court. Additionally, the heirs listed in the King County suit were living in Illinois, Iowa, South

Dakota, and Pennsylvania, and Graham was living in Washington. On September 23, 1893, the case was accepted by the circuit court.³⁵

Cornelius H. Hanford, a well-known and respected judge, presided over the case the following summer. He had come to Seattle in 1853 with his family at the age of four. As a child he was acquainted with all the witnesses—Indian and white. Before studying law, Hanford carried mail on horseback, farmed, and taught school. He was admitted to the bar in 1875. During his career, he was appointed U.S. commissioner and elected to the Washington Territorial Council and as the Seattle

In re estate of Franklin Matthias,
 Rebecca Lena Graham, Claimant
 vs
 C. Matthias et al, Defendants } Aug. 31 1894

Arthur, Lindsay & King, and
 Turner & Ellsworth, For Claimant
 Lichtenberg, Shepard, Lyon & Denny, For Defendants.

Hanford, District Judge, (Orally.)-

This case involves a contest on the part of Rebecca Lena Graham in which she asserts, against the persons named as defendants, her right as an heir at law of Franklin Matthias, deceased, to receive from the administrator of his estate the residue remaining after the payment of costs and expenses of administration and all indebtedness. She claims to be a daughter and only child of Franklin Matthias. The other parties to the suit, who claim to be the lawful heirs, are collateral heirs; and no one other than Mrs. Graham claims to be a lineal descendant.

The questions in the case are whether Mrs. Graham is in fact the daughter of Franklin Matthias, whether she is his legitimate daughter and under the laws of this state entitled to inherit his property. A large number of witnesses have been called to testify in support of Mrs. Graham's claim, and to dispute it. I find in the testimony a great deal that is mere surmise, a great deal of gossip, a great deal of rumor and a great deal that I regard as fiction. Some of the witnesses are not very well informed, others are reckless. I repudiate

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childhood she avoided him, because her mother taught her to fear him; and in her mature years she was too proud to make advances towards him. He often seemed to be following her, and, for a time after her first marriage, daily passed her dwelling house, and, if her little children were playing outside, he would stop and observe them in an interested manner; but he never in a manly way sought her acquaintance.³⁹

In the opinion, Hanford concluded that Graham's testimony was of little use, for it did not prove that her mother was married to Matthias or that either of the two had ever lived with him.⁴⁰

According to the *P-I*, her attorneys argued that Graham was Matthias's

legitimate child, by virtue of a good and valid marriage between the parents, contracted at a time when this was Indian country and Indian customs prevailed here; also that she is the issue of a valid common law marriage, contracted at a time when common law marriages were recognized in Washington territory.⁴¹

The lawyers cited numerous Supreme Court cases and several Washington Territory acts concerning common-law marriages and the legitimacy of offspring from such marriages. The lawyers for the Matthias family attacked the character, reputation, and conduct of Graham's mother. According to the paper, "Mr. Lindsay replied to them, severely scoring some of the witnesses against the woman."⁴²

Because Matthias's family members lived back east, their testimony was taken by deposition. They all said that Franklin Matthias had never married and had no children.⁴³ One can only imagine what a shock it was for them to discover that Rebecca Graham claimed to be his daughter.

In the opinion, Hanford divided witnesses into four groups. The first group consisted of six witnesses: Samuel F. Coombs, Dillis B. Ward, Daniel Bagley, Timothy D. Hinckley, Moses B. Madocks, and E. A. Thorndike. According to Hanford's opinion, they

The well-known Seattleite Cornelius Hanford presided over Graham's case. (*Graham v. Mathias*, box 48, Dockets and Case Files of the Northern Division)

city attorney. In 1889 he was appointed chief justice of Washington Territory. Washington became a state before he took his seat, and he was appointed justice of the federal court.³⁶

Lichtenberg, Shepard, Lyon, and Denny represented the Matthias family, and two firms—Arthur, Lindsay, and King and Turner and Ellsworth—represented Graham.³⁷ The transcript of the original testimony in the case was de-

stroyed, but Judge Hanford's opinion was published in the *Federal Reporter*.³⁸ The local newspapers also published the complete text of the decision and followed the case closely. In the opinion, Hanford first considered Rebecca Graham's testimony.

From what her mother told her and other reports, she regarded herself as the daughter of Frank Matthias. She has no recollection of ever having been in his house, or in his company, or of speaking to him. In her

gave testimony tending to prove that Matthias, for a time before and after the birth of the complainant, maintained relations of intimacy with her mother, who was an Indian woman, named Peggy, and that the couple were reputed to be cohabiting together; but they all fail to testify positively and explicitly to the fact that Peggy did actually live with Matthias openly, or ever performed the duties of housekeeper for him.⁴⁴

(Apparently, at this time, not only did a woman have to live with a man to be considered his wife, but she also had to keep house for him.)

The six witnesses were upstanding citizens of the community. They were all early settlers of Seattle and presumably knew Matthias well. They were his closest neighbors, they worked or were in business together, or they made the trek to Seattle together; yet Judge Hanford did not think that their testimony was convincing enough to prove that Peggy and Matthias were in a common-law marriage.⁴⁵

Hanford also discounted the testimony of the next group of witnesses: three Indian men by the names of William Rogers, Jake Foster, and Chief William. The Indians' testimony was detailed and very frank about Matthias and Peggy's relationship.

Three Indians . . . testified that Peggy and Matthias were actually married and the marriage was followed by cohabitation. Foster claimed to have been present when Matthias obtained the consent of the relatives of the bride, and when they conducted her to his house to be married; and that on the next day he attended a feast whereby the marriage was celebrated; and that afterwards he visited the married couple at their house; and that they lived together; and that, while so living the complainant was born.

Rogers and Chief William testify to the same facts, and also claim to have been present when the marriage ceremony was performed, which they describe in detail and with extravagant eloquence. According to their recital, the chiefs and relatives went in a procession to the shack in which Matthias was then living. Three chiefs, this same William being one of them, then required

Affidavit and General Power of Attorney

I, Rebecca J. Litzhomy, of Seattle in the County of King, State of Washington, being first duly sworn on oath, depose and say: That I am an Indian of half blood belonging to the Ilwamish Tribe. (If affiant has severed his tribal relations, indicate here the time and place when he severed relations with tribe)

I was born on the 29 day of December 1862 at or near Seattle in King County, State of Washington. My mother was a member of the Ilwamish Tribe and continued to remain a member of that Tribe until her death. (If father or grandfather severed his tribal relations, indicate here the time and place, if possible)

I have lived in the State of Washington since my birth. By occupation I am a Wife and Mother. I was married (if such is the case) on the 4 day of April 1911 at Tasoma, Washington, D.C. children have been born to this union. I have two children over the age of 21 years, and two children under the age of 21 years. I hereby make application to have the following named children (all unmarried and under the age of 21 years) enrolled as members of the _____ Tribe of Indians, to-wit:

(girl or boy), aged _____ years.

The following named children, over the age of 21 years, and unmarried, should also be enrolled as members of the said Tribe, to-wit:

Walter M. Graham (man or woman), aged 23 years.

Virginia J. M. Fadden (man or woman), aged 21 years.

(man or woman), aged _____ years.

(man or woman), aged _____ years.

(man or woman), aged _____ years.

I have previously, to-wit, on or about the _____ day of _____ made application to the United States Indian Commissioner for an allotment of land on the _____ Reservation, and have never received such allotment. I have never used my homestead right nor have I ever received an Indian allotment of land from the State or National Government, of the United States.

As a member of the Ilwamish Tribe, (or a descendant of a member of that Tribe) I make application to the United States Government for an allotment of land.

From about 1916 to 1919, the Bureau of Indian Affairs special agent Charles E. Roblin collected information on western Washington Indians who were not enrolled in a particular tribe and who had not received a land allotment. Rebecca filled out the affidavit as a result of Roblin's investigation. ("Affidavit and General Power of Attorney," March 27, 1916, in "Schedule of Unenrolled Indians, D'Wamish Tribe," Jan. 1, 1919, no. 11837, roll 3, NA microfilm M1343)

Mrs. R. L. Graham, One of First Whites Born Here, Dies

One of the first white children born in Seattle died yesterday after 84 years of residence in the beloved city of her birth.

Mrs. Rebecca Lena Graham, 1420 5th Ave., who was born December 29, 1861, near Pioneer Place, where the Seattle Hotel now stands, died in King County Hospital yesterday morning.

The daughter of Franklin Matthias, one of the city's first councilmen, she attended the old Central School at 3d Ave. and Madison St. and received her later education in a convent at Victoria, B. C.

From the age of seven, she was reared by the pioneer Maddicks family. Her home for years was at the present site of the MacDougall-Southwick store at 2d Ave. and Pike St.

Recalling the early days of Seattle which were linked for a lifetime with her memories, Mrs. Graham often spoke of "a large field"

at 2d Ave. and Pike St., where as a child she drove cows through pasture.

Her husband, Victor E. Graham, went to Alaska in the gold rush days and remained there. He died eight years ago.

Mrs. Graham was an honorary member of Seattle Chapter No. 1 of the Daughters of the Pioneers and of the Washington Pioneers Association.

Surviving are one son, Victor Matthias Graham; three sisters, Mrs. Bertha Bradwick, Mrs. Mary Stewart and Mrs. Trena Furniss, and one grandson, George V. Holmes, all born in Seattle.

Funeral services will be held at 1 p. m. Friday at the Home Undertaking Company.

that they had never seen Peggy at Matthias's house nor heard that she lived there. Many of the witnesses had had long, close relationships with Matthias. Butler, Horton, and Smithers had traveled with Matthias from Oregon Territory. Smithers and Matthias had served together as executors for the estate of Charles C. Terry, which took nine years to settle.⁵⁴ Matthias and Denny had served on several committees together.⁵⁵

Judge Hanford stated that he found it hard to believe that this group could have made "misstatements" but also had a hard time understanding how they could have been deceived in the matter. Hanford was amazed that friends and neighbors did not know about Matthias's living arrangements but thought Matthias may have been more guarded with some acquaintances.⁵⁶ But he noted that he did not have to find that they testified falsely in order to rule in favor of the complainant. It was not necessary to prove that a marriage had taken place, only that Matthias and Peggy lived together as man and wife when Rebecca was born. Hanford quoted the 1854 Act to Regulate Marriages. "All children born of persons living and cohabiting together, as man and wife, and all children born out of wedlock whose parents shall intermarry, shall be legitimate."⁵⁷ Therefore, the child of a man and woman who lived and kept house together as man and wife inherits from the father, though he and the mother never married.

In Judge Hanford's view, "This law provided specifically for children of unmarried persons who live and cohabit together as man and wife and declares that such children shall be legitimate."⁵⁸ He concluded that, based on the preponderance of evidence, Matthias and Peggy, although never legally married, lived together as man and wife and that Franklin Matthias was the father of Rebecca Graham. Graham was declared the legitimate heir of Matthias and in-

By the time of her death in 1946, Rebecca Graham had become fully accepted by the white community. (Clipping, 1946, Rebecca Lena Graham Biography File, Pacific Northwest Collection, Special Collections, University of Washington Libraries, Seattle)

each of the contracting parties to repeat twelve times the vow to assume marriage relation with each other. According to William, the bride vowed in these words: "Yes, Frank Matthias is going to be my husband, and I shall stay with him until death parts us."⁴⁶

The three men also testified that Graham had been christened Rebecca Matthias in her infancy in the presence of prominent citizens of Seattle.⁴⁷ Evidently Hanford did not take the men to be credible witnesses, because he stated that these stories were "manifestly false." He entirely repudiated the testimony in regard to the marriage ceremony and the christening.⁴⁸

Ten other witnesses were called. They were all early Seattle settlers but not as well known as the first group of white settlers Hanford discussed in the opinion. Several of them had connections

with local tribes. Richard Jeffs was married to an Indian woman named Mary.⁴⁹ William DeShaw married Chief Seattle's granddaughter and served as an Indian subagent at Old Man House, Chief Seattle's longhouse. H. Alexander Spithill was married to an Indian woman named Anastasia.⁵⁰ Jeffs and DeShaw traveled 40 miles to testify, but Spithill traveled even farther—80 miles.⁵¹ They must have felt that it was important to have their voices heard. All witnesses in this group testified that Matthias and Peggy were living together as husband and wife for three or four years. Hanford made no comment about the validity of their testimony.⁵²

The last group of seven witnesses consisted of Hillory Butler, Arthur Denny, Dexter Horton, Erasmus Smithers, W. H. Surber, Henry Van Asselt, and Mrs. Wyckoff.⁵³ The witnesses testified

herited his estate.

The next day the *P-I* featured the headline “Matthias’ Half-Breed Daughter’s Claim Allowed.” In the newspaper’s summary of the case, Hanford sounds more sympathetic to Graham’s situation than he had in the courtroom, stating, “The law does simple justice to the innocent offspring of men and women who live together as if they were married.” The paper added, “This is a test case and will prove very interesting to a great many people. It is said that several similar cases, which have been held off awaiting a decision in the Matthias suit, will now be filed in court.”⁵⁹

However, there is no evidence that any comparable cases went to court, and it is not clear why this is so.⁶⁰ In addition to the 1854 marriage act, the territorial legislature had passed several acts between 1860 and 1866 regarding the legitimacy of offspring of all marriages declared null by law.⁶¹ The latter act prohibited marriages between a white person and a negro or Indian, or a person of one-half or more negro or Indian blood.⁶² The various laws created confusion about inheritance rights. Graham’s court case made the prospect of Indian inheritance more promising for the children of mixed-race common-law marriages, but perhaps other situations did not meet the criteria for a court case.

One might also speculate that Rebecca Graham’s case was unusual and her circumstances unique. She was the unacknowledged daughter of a financially successful pioneer and the stepdaughter of another well-to-do pioneer. Her stepfather, Christian Scheurman, lived openly with her mother, Peggy, and included Graham in the household just as he included Peggy in his legal dealings. Graham’s relationship with her stepfather probably gave her confidence in dealing with other whites. Graham attended a convent boarding school with white nuns and white students. She had a close relation-

ship with her cousin, Julia Benson, who was the daughter of an even more prominent white settler, Henry Yesler. Graham gained experience with the legal system and with lawyers when her first husband (who was white) was committed to the Hospital for the Insane. Graham’s stepfather and her current husband (who was also white) probably encouraged her to fight for her inheritance. By 1894 Graham was a confident woman with financial means.

If the 975 folios of additional testimony in the case still existed, they would probably tell us much about Indian-white relationships in the 1850s and 1860s and how attitudes had changed by the 1890s. We can only surmise from Hanford’s opinion and newspaper accounts that the white community was not pleased with the outcome of the court case. Judge Hanford decided in Graham’s favor, but he did not acknowledge the marriage of Matthias and Peggy or the baptism of Graham.

Census records show that after the court case concluded, Rebecca and her husband, Victor Graham, their two children (Rebecca had given birth to her final child, Virginia, in February 1894), and Rebecca’s son from her first marriage, George Holmes, were living close to the Scheurman family. By 1900 she had lost four of her seven children.⁶³ In 1910, she lost another child when George drowned in a boating accident. Her daughter Virginia married John Hilliard McFadden in 1912.⁶⁴ She is listed with her mother on a 1916 affidavit application for the Schedule of Unenrolled Indians.⁶⁵ The McFaddens moved to Colorado Springs in about 1916.⁶⁶ Virginia had tuberculosis, and they probably hoped that the high altitude and dry climate would be good for her illness. She died there in September 1918. Rebecca and McFadden brought her body back to Seattle.⁶⁷ Rebecca’s son, Victor M. Graham, and her grandson, George V. Holmes, were her only offspring to reach old age. Neither had any children.⁶⁸

Sometime after 1900, Rebecca’s husband, Victor Graham, moved to Fairbanks, Alaska, in search of gold; he died there in 1934.⁶⁹ In April 1911 Rebecca entered into her third marriage, with George W. Fitzhenry, who had recently returned from a tour of duty as a corporal in the U.S. Army.⁷⁰ The marriage did not last long. By 1920 he had remarried and was living in Aberdeen.⁷¹

Although Rebecca suffered many misfortunes and may have been disappointed in her marriages, she was always surrounded by her family. When Rebecca died in 1946, the headline of her obituary read, “One of first whites born here, dies.”⁷² Rebecca had gone from being listed as a “half breed” in an 1894 headline to being a “white” in a 1946 headline. Attitudes had changed over the years. It was safe to think of Rebecca as a white. The Indians were no longer a threat and their numbers were dwindling. White society seemed to have accepted Rebecca, perhaps because she fought and won her right of inheritance from her father (and became a rich woman).

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1. "Mrs. R. L. Graham, One of First Whites Born Here, Dies," clipping, 1946, Rebecca Lena Graham Biography File, Pacific Northwest Collection, Special Collections, University of Washington Libraries, Seattle; *In re Matthias' Estate; Graham v. Matthias et al.*, in *Federal Reporter*, Vol. 63 (St. Paul, Minn., 1894), 523-26.
2. *Seattle Post-Intelligencer*, July 27, 1894, p. 8 (hereafter cited as *P-I*, with the appropriate date and page number).
3. Alexandra Harmon, *Indians in the Making: Ethnic Relations and Indian Identities around Puget Sound* (Berkeley, Calif., 1998), 131-32.
4. Population schedule, Seattle, pp. 269-76, roll 1398, Eighth Census of the United States, 1860, National Archives (NA) microfilm M653; Clarence B. Bagley, *History of Seattle from the Earliest Settlement to the Present Time* (Chicago, 1916), 698; Harmon, 63.
5. *Seattle Daily Post-Intelligencer*, March 2, 1884, p. 2 (hereafter cited as *Daily P-I*, with the appropriate date and page number); *P-I*, July 27, 1894, p. 8.
6. *In re Matthias' Estate*.
7. There was no marriage certificate for Curley and Matthias and no deeds between 1853 and 1864 that included Matthias's and Curley's names on file at the King County Recorder's Office, Seattle. Nor did they appear together in the Eighth Census of the United States, 1860.
8. *P-I*, July 27, 1894, p. 8.
9. John D. Kellogg, death certificate, reg. no. 93, 1938, Vital Statistics Section, Seattle-King County Department of Public Health, Seattle.
10. C. Sherman [*sic*] household, Seattle, p. 110A, roll 1683, Ninth Census of the United States, 1870, NA microfilm M593; Christian Schurmandt [*sic*] household, Enumeration District (ED) 7, Salmon Bay, p. 274C, roll 1397, Tenth Census of the United States, 1880, NA microfilm T9; Christian Scheuerman and Peggy Scheuerman to George W. Kimball, warranty deed, Oct. 4, 1880, pp. 27-28, and Christian Scheuerman and Peggy Scheuerman to Freelove C. Wright, warranty deed, Oct. 4, 1880, pp. 51-52, both in Vol. 18, Deeds, roll D-10, King County Recorder's Office; *Daily P-I*, March 2, 1884, p. 2.
11. *Daily P-I*, March 2, 1884, p. 2.
12. T. S. Phelps, *Reminiscences of Seattle, Washington Territory, and the U.S. Sloop-of-War "Decatur" during the Indian War of 1855-1856* (Seattle, 1908), 26; Hubert Howe Bancroft, *History of Washington, Idaho and Montana, 1845-1889*, Works of Hubert Howe Bancroft series (San Francisco, 1890), 123-33.
13. J. A. Eckrom, *Remembered Drums: A History of the Puget Sound Indian War* (Walla Walla, Wash., 1989), 94.
14. William C. Speidel, *Sons of the Profits; or, There's No Business Like Grow Business: The Seattle Story, 1851-1901* (Seattle, 1967), 66-67.
15. Kathie Zetterberg and David Wilma, "Henry Yesler's Native American Daughter Julia Is Born on June 12, 1855," HistoryLink.org, http://www.historylink.org/essays/output.cfm?file_id=3396 (accessed Sept. 13, 2005).
16. Petition of Elizabeth Mathias [*sic*], Court Dockets, 1844, p. 371, book 2, Petitions No. 11-16, Pennsylvania Orphan's Court, microfilm 863905, Family History Library, Salt Lake City, Utah.
17. Bancroft, 25-26.
18. M. C. Rhodes, *An Index to Early King County Pioneers* (Seattle, 1984).
19. Franklin Matthias household, Seattle, p. 272, roll 1398, Eighth Census of the United States, 1860, NA microfilm M653; Franklin Matthias household, Seattle, p. 99, roll 1683, Ninth Census of the United States, 1870, NA microfilm M593.
20. Franklin Matthias, ED 7, Seattle, p. 66B, roll 1396, Tenth Census of the United States, 1880, NA microfilm T9.
21. Frederic James Grant, ed., *History of Seattle, Washington, with Illustrations and Biographical Sketches of Some of Its Prominent Men and Pioneers* (New York, 1891), 274; Bagley, 676; *Daily P-I*, Sept. 7, 1884, p. 2.
22. *Indiana County (Pa.) Gazette*, Sept. 2, 1891, p. 6.
23. *P-I*, Oct. 7, 1891, p. 2.
24. C. Sherman [*sic*] household, Seattle, p. 110A, roll 1683, Ninth Census of the United States, 1870, NA microfilm M593; "Mrs. R. L. Graham." St. Ann's Academy does not have student records for the mid-1870s, when Rebecca may have attended, but according to St. Ann's website ("Students," St. Ann's Academy, http://www.stannsacademy.com/people_students.html [accessed Oct. 17, 2005]) some children from Native American communities attended St. Ann's. Bishop Modeste Demers, one of the founders of St. Ann's Academy, believed strongly that Native American children should be educated and likely recruited Indian children throughout the Pacific Northwest.
25. *Seattle Daily Intelligencer*, July 20, 1879, p. 2.
26. John Holmes household, ED 7, Seattle, p. 232C, roll 1396, Tenth Census of the United States, 1880, NA microfilm T9; Victor E. Graham household, ED 85, Seattle, p. 7B, roll 1744, Twelfth Census of the United States, 1900, NA microfilm T623.
27. Holmes household, Second Ward, Seattle, n.p., 1885 Washington Territorial Census, roll 3, and Holmes household, Second Ward, Seattle, p. 71, 1887 Washington Territorial Census, roll 4, both on Washington Territory Census Rolls, 1857-1889, NA microfilm Z19.
28. *P-I*, April 4, 1889, p. 3; *In the Matter of the Insanity of John Holmes*, April 4, 1889, file no. 838, Probate Court, King County, Washington Territory, copy at Puget Sound Regional Branch, Washington State Archives, Bellevue.
29. Physician's certificate, 2, in *ibid.* (1st qtn.); *P-I*, May 25, 1889, p. 4 (last qtn.).
30. Victor Graham and Lena Holmes, marriage certificate no. 1997, April 3, 1890, p. 385, book C, King County Recorder's Office; Joseph L. Jenott household, ED 107, Seattle, p. 2A, Twelfth Census of the United States, 1900, NA microfilm T623.
31. Lena and Victor Graham to George F. and Lena Holmes, warranty deed, Dec. 27, 1890, p. 183, Vol. 121, Deed, roll D-64, King County Recorder's Office.
32. World War I Draft Registration Cards, 1917-1918, <http://www.ancestry.com/> (for Victor M. Graham, Seattle, King County, Wash.; accessed Oct. 18, 2005); *P-I*, July 17, 1891, p. 5.
33. *Indiana County Gazette*, Oct. 7, 1891, p. 1.
34. "Probate Notice," clipping, n.d., in *Graham v. Mathias [sic] et al.*, case no. 331, box 48, Dockets and Case Files of the Northern Division (Seattle), 1890-1911, Records of the U.S. Circuit Court for the Western District, Records of District Courts of the United States, RG 21, Pacific Alaska Region, NA, Seattle; Estate of Franklin Matthias, no. 1391, in *Graham v. Mathias; P-I*, July 27, 1894, p. 8, Sept. 1, 1894, p. 5; *Seattle Press-Times*, Sept. 1, 1894, p. 5.
35. *Graham v. Mathias*.
36. C. T. Conover, *Mirrors of Seattle: Reflecting Some Aged Men of Fifty* (Seattle, 1923), 82-85.
37. *In re Matthias' Estate*, 523.
38. *Graham v. Mathias; In re Matthias' Estate*, 523-26.
39. *In re Matthias' Estate*, 524.
40. *Ibid.*
41. *P-I*, July 27, 1894, p. 8.
42. *Ibid.*
43. *Graham v. Mathias*.
44. *In re Matthias' Estate*, 524.
45. Matthias, Butler, and Ward households, Seattle, p. 272, roll 1398, Eighth Census of the United States, 1860, NA microfilm M653; Ward household, Seattle, p. 99, roll 1683, Ninth Census of the United States, 1870, NA microfilm M593; *In re Matthias' Estate*, 524.
46. *Ibid.*, 525.
47. The archivist was unable to find a baptismal record for Graham within the Archives and Records of the Archdiocese of Seattle. It is not known whether Graham was christened in a different denomination, but most of the Scheuerman children were Catholic.
48. *In re Matthias' Estate*, 524.
49. *P-I*, April 30, 1911, p. 12.
50. Eva Greenslit Anderson, *Chief Seattle* (Caldwell, Idaho, 1943), 383; Alexander Spithill household, ED 5, Seattle, p. 26A, roll 1397, Tenth Census of the United States, 1880, NA microfilm T9. The other seven witnesses in this group were Frank Dolan, Ben Solomon, W. F. Haffner, A. S. Pinkham, D. H. Webster, T. O. Williams, and Mary Blakely. *In re Matthias' Estate*, 525; *P-I*, Sept. 1, 1894, p. 5.

51. *Graham v. Mathias*.
52. *In re Matthias' Estate*, 525.
53. Mrs. Wyckoff may have been Ursula Wyckoff, the widow of Lewis Wyckoff, who had died in 1882. Roberta Frye Watt, *Four Wagons West: The Story of Seattle* (Portland, Oreg., 1931), 261.
54. Bagley, 663.
55. *Ibid.*, 676; Doc Maynard Historical Society, http://ecv5440.org/biographies_complete.pdf (accessed Sept. 13, 2005); Heather M. MacIntosh and David Wilma, "Northern Pacific Railroad Announces Tacoma Terminus on July 14, 1873," HistoryLink.org, http://www.historylink.org/essays/output.cfm?file_id=922 (accessed Sept. 13, 2005).
56. *In re Matthias' Estate*, 526.
57. Washington State, *A Publication of the Session Laws of Washington Territory*. . . Vol. 1, *Containing the Laws and Resolutions of the Years 1854 to 1861-2 Inclusive* (Seattle, 1896), 691; *In re Matthias' Estate*, 526 (qtn.).
58. *In re Matthias' Estate*, 526.
59. *P-I*, Sept. 1, 1894, p. 5.
60. The author reviewed Washington State court cases from 1894 to 1900.
61. *P-I*, July 27, 1894, p. 8.
62. Washington State, *Laws of Washington: A Publication of the Session Laws of Washington Territory*. . . Vol. 2, *1862/3-1867/8 Inclusive* (Seattle, 1896), 354.
63. Virginia M. Graham, Feb. 28, 1894, no. 703, Register of Births, King County, microfilm box 23, Microfilm Collection, Central Library, Seattle Public Library; Victor Graham and Joseph Bradwick households, ED 85, Seattle, p. 212, roll 1744, and Christian Sherman [*sic*], ED 117, Seattle, p. 238, roll 1745, both in Twelfth Census of the United States, 1900, NA microfilm T623.
64. *P-I*, May 18, 1910, p. 2; Virginia Graham and John McFadden, marriage certificate no. 3468, May 7, 1912, p. 375, Vol. 10, King County Recorder's Office.
65. "Affidavit and General Power of Attorney," March 27, 1916, in "Schedule of Unenrolled Indians, D'Wamish Tribe," Jan. 1, 1919, no. 11837, roll 3, Applications for Enrollment and Allotment of Washington Indians, 1911-1919, NA microfilm M1343.
66. R. L. Polk & Co., *R. L. Polk Directory Co.'s Colorado Springs, Colorado City, and Manitou City Directory, 1916* (Colorado Springs, Colo., 1916); *idem*, *R. L. Polk Directory Co.'s Colorado Springs, Colorado City, and Manitou City Directory, 1917* (Colorado Springs, Colo., 1917).
67. WW I Draft Registration Cards, 1917-18, <http://www.ancestry.com/> (for John Hillard McFadden, Colorado Springs, El Paso County, Colo.; accessed October 18, 2005); *Colorado Springs (Colo.) Gazette*, Sept. 9, 1918, p. 8.
68. Social Security Death Index, <http://www.myfamily.com/> (for Victor M. Graham, Blaine, Whatcom County, Wash.; accessed Oct. 18, 2005); *Seattle Times*, Aug. 25, 1996, B-6.
69. Andrea Robb, Fairbanks, Alaska Cemetery Records, <http://www.ancestry.com/search/db.aspx?dbid=4044> (for Victor Graham, accessed Oct. 17, 2005).
70. *Tacoma Daily News*, April 5, 1911, p. 5.; George W. Fitzhenry, Fort DeRussy, ED 19, Honolulu, p. 207, roll 1754, Thirteenth Census of the United States, 1910, NA microfilm T624.
71. George Fitzhenry, ED 71, Aberdeen, p. 107, roll 1923, Fourteenth Census of the United States, 1920, NA microfilm T625.
72. "Mrs. R. L. Graham."