**National Register of Historic Places**

**Inventory - Nomination Form**

_Type all entries - complete applicable sections_

1. **NAME**
   - **COMMON:** David J. Brewer House

2. **LOCATION**
   - **STREET AND NUMBER:** 403 Fifth Avenue
   - **CITY OR TOWN:** Leavenworth
   - **STATE:** Kansas
   - **CODE:** 66048

3. **CLASSIFICATION**
   - **CATEGORY (Check One):**
     - [ ] District
     - [ ] Site
     - X Building
     - [ ] Structure
     - [ ] Object
   - **OWNERSHIP:**
     - [ ] Public
     - [X] Private
     - [ ] Both
   - **PUBLIC ACQUISITION:**
     - [ ] In Process
     - [ ] Being Considered
   - **STATUS:**
     - [X] Occupied
   - **ACCESSIBLE TO THE PUBLIC:**
     - [X] Yes

4. **OWNER OF PROPERTY**
   - **OWNER'S NAME:** Ed Reilly
   - **STREET AND NUMBER:** 1412 South Broadway
   - **CITY OR TOWN:** Leavenworth
   - **STATE:** Kansas
   - **CODE:** 66048

5. **LOCATION OF LEGAL DESCRIPTION**
   - **REGISTER OF DEEDS:** Register of Deeds
   - **STREET AND NUMBER:** Leavenworth County Courthouse
   - **CITY OR TOWN:** Leavenworth
   - **STATE:** Kansas
   - **CODE:** 66048

6. **REPRESENTATION IN EXISTING SURVEYS**
   - **TITLE OF SURVEY:** A Survey of Historic Sites and Structures in Kansas
   - **DATE OF SURVEY:** 1957
   - **DEPOSITORY FOR SURVEY RECORDS:**
     - Kansas State Historical Society
     - **STREET AND NUMBER:** 120 West Tenth Street
     - **CITY OR TOWN:** Topeka
     - **STATE:** Kansas
     - **CODE:** 66612
The Justice David J. Brewer House is a two-story frame structure with an irregular floor plan. The exterior walls are of horizontal wood siding. All doors and windows are enclosed with wood sills, jambs, and lintels. All the windows are rather tall, extending almost from floor to ceiling. A rubble stone foundation supports the structure and defines the perimeter of the original structure. Inspection of the west main entry with its double doors and the ornate porch trim suggests that the builder intended it to make a strong statement. The detailing of the second story roof eaves repeats that of the porch and the first story eave. This repetition serves to unite effectively all roof lines and gives the viewer the impression of a well thought out, well controlled design. Short gable windows and a small cupola serve to light the attic space so that some use would be possible. A minor second story addition to the structure appears quite stark in comparison to the subtle yet rich feeling projected by the original structure.
The David J. Brewer House in Leavenworth was from about 1880 to 1889 the home of Kansas' most noted jurist. David Josiah Brewer, who was born June 20, 1837, in Smyrna, Asia Minor, where his parents were missionaries, was educated at Wesleyan University in Middletown, Connecticut, and graduated with honors from Yale University in 1856. He then studied law in the office of his uncle, David Dudley Field, and completed his studies at the Albany Law School in 1858. Brewer turned down an offer to remain with his uncle's New York law firm and went west, eventually located at Leavenworth on September 13, 1859.

Throughout his life David Brewer served his state and his country in many capacities. He held various city and county offices, such as president of the Leavenworth Board of Education, superintendent of schools, county attorney, and judge of the probate and criminal courts. An active promoter of public education, he became well known throughout the state and in 1869 was elected president of the Kansas State Teachers Association. Brewer served as judge of the Kansas First Judicial District from 1865 to 1869 and as associate justice of the Supreme Court of Kansas from 1870 to 1884. In 1884 Pres. Chester Arthur appointed him judge of the United States Eighth Circuit Court, and in 1889 Pres. Benjamin Harrison elevated him to the United States Supreme Court. Brewer was the first Kansan to serve on the nation's highest court and the second justice west of the Mississippi. (At the time Brewer was appointed to the court, his uncle, Stephen J. Field, was also an associate justice. It was the first uncle-nephew combination in the court's history.)

Brewer remained a Supreme Court justice until his death on March 28, 1910. During his tenure on the bench, he also served in other capacities. He was president of the Venezuelan Boundary Commission appointed by President Cleveland in 1896 and a professor of law at George Washington University for several years. He was a gifted orator and in constant demand as a public speaker. Brewer was an advocate of disarmament, an opponent of colonial expansion and a firm believer in the use of arbitration to settle international disputes.

The David Brewer house is important because of the accomplishments and significance of the man who lived there. Justice Brewer served for more than 40 years in the courts of Kansas and the nation. His contributions and influence in the field of law have not been surpassed by any other Kansan.
9. (March, 1964), publication of the Graduate Division of Kansas State Teachers College, Emporia, Kansas.


Leavenworth City Directories from 1863-1890, assorted publishers.

Leavenworth Times, March 6, 1932.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Clark, Gilbert J., Life-Sketches of Eminent Lawyers (Kansas City, Missouri, Lawyers International Publishing Co., 1895), v. 1, pp. 60-62.
Eitzen, D. Stanley, "David J. Brewer, 1837-1910: A Kansan on the United States Supreme Court," The Emporia State Research Studies, v. 12, no. 3

10. GEOGRAPHICAL DATA

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Approximate acreage of nominated property: One acre

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES:

<table>
<thead>
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<th>STATE</th>
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11. FORM PREPARED BY

NAME AND TITLE: Charles Hall, Architectural Consultant
               Richard D. Pankratz, Planner

ORGANIZATION: Kansas State Historical Society

STREET AND NUMBER: 120 West Tenth Street

CITY OR TOWN: Topeka

STATE: Kansas 66612    CODE: 20

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National [ ] State [X] Local [ ]

Name: Nyle H. Miller
Title: Executive Secretary, Kansas State Historical Society
Date: November 30, 1971

I hereby certify that this property is included in the National Register.

Chief, Office of Archeology and Historic Preservation

ATTEST:

Keeper of The National Register

Date: 