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Wayne Co.
Mansfield's Bench & Bar.

MS 76
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- BENCH AND BAR OF WAYNE COUNTY 1843 to 1873 -

There seems to have been something in the ozone of the Western Virginia hills in the early days that was conducive to stalwart character and potent native ability. These same mountains still produce sturdy characters and strong abilities; but the men of today have the opportunity for development and the advantages of an education, an accomplishment which the old-time mountaineer did not have. This part of the old state of Virginia was especially noted for its self-made lawyers, sturdy men of profound native talents, keen legal acumen and clear, analytical minds. It is an inspiration to look back over the record and lives of those illustrious mental giants, who, by reason of their splendid mental endowments won distinction, and by their high standards of honor and lofty ideals of professional dignity, adorned the bar and the bench.

The charlatan and the shyster received little recognition in that day, and they were few and far between. Law was practiced as an honorable and exalted profession and not degraded into a mere crafty device for getting money by any hook or crook. Clients sought lawyers for honest and sincere advice on questions of legal rights and actual grievances, and got it. The briefless pettifogger nosing around with a garbage fork, stirring up imaginary wrongs and exaggerated injuries in quest of an "honest penny" for himself, was in a separate class, and he went away back and sat down.

Vexation suits were not brought in view of tormenting timid victims into a compromise that was cheaper than to defend their rights, or to avoid being stung to death by the pestiferous

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human blood suckers for fear for fear they could not earn by respectable practise. There are still many high toned lawyers at the bar; but the shyster is abroad in the land, and his breed is multiplying.

The Act establishing the county of Wayne passed the Legislature in 1842. There was some delay in locating the County Seat and erecting a temporary Court House, so that the first session of the Circuit Court could not be held until May, 1843. The County seat was to be located at some point near the Forks of Twelve Pole because it was then, as it is today, the most accessible point in the county. There was some controversy whether it should be located on the on the Morris farm, just below or on the Ferguson farm, just above where it now stands. The matter was finally settled by selecting Trout's Hill, located between the two points, and on the opposite side of Twelve Pole from both.

The first Court House was a large, two-story log building which was used for nearly ten years, and afterwards moved to a lot owned by Henry I. Fisher, a noted lawyer of Mason County, and changed into a dwelling. This building stood on the lot until the latter eighties. About 1852 a brick building was erected, and this Court House was replaced by another in 1892. The new Court house was destroyed by fire three years after its erection, and the present building was completed in 1897.

The first term of the Circuit, or Superior Court, as it was then called, was opened May 6, 1843, with Lewis Summers, of Kanawha County, on the bench. Civil law and equity litigation was rare and unimportant. The county was sparsely settled, and there were

few rights to be determined. The lands were largely in woods; and in those days the woods were used in common, by all the settlers

both for hunting and range purposes and land titles. Lands were considered more valuable for pea vine, gin seng and wild game than for the vast forests of timber and the rich deposits of minerals.

The timbering industry, even in a primitive way, was unknown in those days, and the valuable trees that grew on the rich lands that were cleared for farming purposes were felled and made into huge heaps by neighboring log rollings and burned.

Thirty years after the establishment of the county the larger part of the litigation in the court grew out of the extensive timber industry, long after much of the most valuable growth had been destroyed by the onward march of civilization.

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From Wayne County News, August 13, 1948.

- BENCH AND BAR OF WAYNE COUNTY 1843 TO 1873 -

By W.L.Mansfield.

An illustrious group of seven lawyers qualified before Judge Summers on the 6th day of May, 1843, to practice in the new county of Wayne . It was composed of John Laidley, J. J. Mansfield, J.H.Ferguson, Evermont Ward, and Elisha McComas, of Cabell, and James H. Brown, of Kanawha, and Harry I. Fisher, of Mason.

Three of these, Ward Ferguson and Brown afterwards became Judges, Elisha McComas became Lieutenant Governor of the state of Virginia; and the other three, Laidley, Mansfield and Fisher had long and distinguished careers at the bar.

Judge Summers held only one term of the court in Wayne, and was succeeded by Judge David McComas, of Cabell, a man of strange taciturnity, but of unusual intellectual force.

He was one of the best types of that rugged personality, native brain power and strong judicial temperament that were found in the hills of Western Virginia in those days.

Following Judge McComas in 1852 came that accomplished lawyer, brilliant statesman and "silver-tongued orator of the mountains", George W. Summers. of Kanawha county.

He was the admiration and idol of the people, and the echoes of his praise resounded through mountain and vale until the last of the generation that knew him had passed off the scene of action.

In August, 1860, David McComas came back as Judge again and served until Evermont Ward, of Logan county, who was elected in 1860, took his seat on the bench.

Judge Ward held one short, special term of the Court, beginning on the 11th of March, 1861, on which day he made a strong

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secession speech. Judge McComas came back on the 20th of March, 1861 and held a term for Judge Ward, closing the final session of the circuit court for Wayne county before the war, on the 25th day of March, 1861.

Judge Ward had barely entered upon the duties of the Judgeship when the war came with its remorseless sweep, disorganizing Governments, abolishing courts, terminating tenures of all kinds of civil offices, and even carrying away the ermine on its resistless tide.

In 1843 Cabell and Logan seem to have seem to have been the best counties for lawyers, and when the Cabell bar became too much crowded the over-flow was caught by Logan. Judge Ward began the practice of law in Cabell County; and like many others lawyers of his day, combined the practice of law with the preaching of the Gospel, and was a local Methodist preacher. Early in his career he moved to Logan county, and was a resident of that county when elected to the Judgeship in 1860.

He entered the Confederate services at the beginning of hostilities, and acted as Secretary to Generals Wise and Floyd in the campaigns in the Kanawha Valley in 1861. In that capacity he wrote some unique and sensational appeals to the sons of Virginia to come to the aid of the "Old Commonwealth" in which he started out with the sublime, and ended with the ridiculous.

After the war Judge Ward, like all Confederate soldiers in West Virginia, found himself debarred by the test oath from practicing his profession. Being of a resourceful mind, he originated a liniment which he called "Ward's Magic Relief"; and both as a matter of diversion as well as for a livelihood, he devoted several

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years to its manufacture and sale. In those days no well regulated household was found without a bottle on the pantry shelf.

He was a voluminous writer, shrewd, witty and waggish. Much of his printed matter to promote the sale of his remedy was highly amusing, and some of his pleasantries verged on the ludicrous in merry andrew (sic) style. He took the public into his confidence, and urged them to buy for "Ward's Magical" tragical liquor would cure them or kill them in no time, or quicker."

When the political disabilities were removed Judge Ward, along with Dr. Isaih Bee, of Mercer county, was elected to represent this Senatorial district in the Constitutional Convention of 1872, and took a prominent part in the work of that body.

He submitted a plan for the Judiciary, which, like everything he proposed and said, was just a little different from anything submitted by other members. It was rejected because of its new features and the old, ante-bellum county court system of Virginia proposed by B.F. Martin and Samuel Woods, was substantially adopted.

With the adoption of the new constitution in August, 1872, Judge Ward was elected Judge of this circuit, defeating Ira J. McGinnis, of Cabell, and Judge Henry L. Gillespie, of Raleigh. One of the chief arguments made in his support was that he had been deprived of the same office by the war, and it was a matter of simple justice that it be restored to him.

Judge Ward was much stronger in mental capacity than in physical strength. His physical disabilities made more conspicuous his personal eccentricities. He was vain, in a measure, and had an especial weakness for publicity. He wrote out, at length all the important sentences he pronounced and his charges to the Grand Jury, and had them published in the local papers when possible, and in pamphlet form when imperative.

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There are, perhaps extant, even to this day printed copies of his sentence of Preston Tur Turler in Putnam county just before the war, and surely copies may be found of the sentence of Mathilda Meahling, and of Webb, the Huntington bank robber in Cabell, and of Laban T. Walker, who was hanged in Wayne county in 1879. His writing abounds in high sounding words and turgid phrases, but they lack elegance, precision and perspicuity, and his style partakes of the labored, or involved.

Judge Ward was subject to sudden attacks of indigestion, and it was not an infrequent spectacle to see him lying prone on the floor of the rostrum in the Court room writhing in agony that his "Magic Relief" and sympathizing bar were unable to relieve. In spite of his afflictions and peculiarities he was a lawyer of good legal attainments and strong judicial judgment.

He possessed many excellent traits of character and was the soul of the highest order of integrity.

Bore the war it was a common thing for judges in different districts to exchange and hold court for each other. It may be a matter worthy of mention to state that in 1860 Gideon D. Camden, of Clarksburg a noted lawyer and man of wealth and influence, held a term of Court in Wayne county for Judge McComas.

Judge Camden gained additional notoriety in the state senate in the middle seventies by introducing a bill "to prevent the owners of hogs from running at large in Harrison county."

BYRON SMITH, DEAN OF BUSINESS MEN AT WAYNE.

Byron Smith, Dean of business men in the town of Wayne. For more than half a century he has been active in the business life of the town, and is this month completing 25 years of service as Cashier of the Wayne County bank.

In 1895, as a young man 19 years of age, Mr. Smith received his first business experience as a clerk in "Uncle Charlie" Ferguson's general store at Elmwood. At that time Mr. Ferguson maintained one of the finest general stores in the county, in addition to operating a saw mill, flour mill, maintained a carpenter crew, and managed the Ferguson farm. Mr. Smith said that when he was employed at Elmwood the road to Wilson's Creek crossed the mountain behind the Ferguson home at Elmwood, near Wheeler's Knob. Although long since abandoned, the road would be passable to a jeep. Hand laid rock culverts are still intact.

After ten years association with the Ferguson store, Mr. Smith moved to Wayne in 1906, and together with the late "Uncle Scott" Sansom opened the "Smith & Sansom General Store." The frame store building was located where the A.B.C. food market now stands. In the early 20s the building was destroyed by fire.

At this time in 1906 Wayne was a rambling town of about 600 population, with the Court House, a few general stores, two rambling frame hotels, with a red brick jail on the Court House lawn. After six years at that location, Mr. Smith went to Spunky, where he opened a general store in the frame building which stands today immediately across the street from the Adkins' store, near the Spunky bridge. Mr. Smith said that he purchased the lot and built a large, concrete basement, together with the store building for a total cost of \$500.00.

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He remained in business in Spunky until 1921, when he sold his business and moved back into the town of Wayne in December, 1922.. Together with W.D.Click, he purchased the area which is now known as Roanoke Circle, where he completed his present home in 1924. In 1921, when he purchased the property there was only one building on the circle. Then, in 1924, he began his career with the Wayne County Bank, which has continued through the years.

At this time the Wayne County bank was located in the building which now houses the Board of Education offices. The bank was moved to the present location in 1937. Mr.Smith recalled that the first automobiles in Wayne were owned by Dr.J.R.Kesee, M.E.Ketchum, and Aunt "Bob" Burgess, who bought Model "T" Fords in 1915. Two years later he purchased a Model "T" himself, in Huntington. When he went to get the car in April, he said, several men went along with him, armed with shovels and mat-ticks, to help bring the car back to Wayne.

In those days, before good roads, it was a major expedition to Huntington from Wayne. The procedure called for everyone to go armed with enough tools to build as much road as necessary to get through. The route from Huntington went down Piedmont Street to Kenova, up Big Sandy to White's Creek, and down Tom's Creek, into Wayne. Most women backed out of a trip to Huntington then at the slightest hint of rain.

It wasn't many years after this, 1922, that Jay Vinson, who then operated the Ford Agency in the present White building, brought the first radio to the town.

Mr.Smith was born on Wilson's Creek in a log cabin, on the farm Pearley Sansom now lives. His parents were Albert M. and

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Harriett Walker Smith.

In 1897 he married Miss Margaret Mills, in May. They had six children: five daughters and a son, who died in infancy. Three of the daughters, Mrs. Willie K. Maynard, Pauline Smith and Mrs. Mary Crockett live at Wayne; Mrs. Irene Jackson lives at Batesville, Ind., and Mrs. Mildred "Dutch" Barrett, resides at South Charleston. Mr. Smith has taken an active part in the public and civic affairs of the town. He has served as Mayor of the town at several different occasions, and was recently a member of the Wayne County Board of Education, for two terms. A member of the Baptist church since 1896, he is at present, Treasurer of the Wayne Baptist church. Also, he has been a Mason for 51 years and a Junior Mechanic for 20 years.

Mr. Smith said the bank had lost nothing to amount to anything on loans for about 15 years. This fall Mr. Smith plans to retire as a Teller, although he was quick to add he was not retiring from the bank.

"There will be plenty for me to do with loans, mortgages, and other bank business to keep me pretty busy," he said.

From Wayne County News, August 27, 1948.

BENCH AND BAR OF WAYNE COUNTY 1843 to 1873 -

By W.L.Mansfield.

The first lawyer to locate in Wayne County was James H. Ferguson, who removed there from Barboursville soon after the county was formed. He lived on a farm two miles west of the Court house, on Tom's Creek. Here he lived when he took young Leander Spurlock, a brilliant young Wayne County school teacher, into his home to read law, afterward took him in partnership; and in a short time they both moved to Logan, where Spurlock died suddenly by the roadside, on a hot, summer day.

J.H.Ferguson was a native of the upper New River country who had drifted down to Barboursville in the thirties, plying the trade of a shoemaker.

Like most of the itinerant shoemakers of the period, he gave some thought to agricultural pursuits, and his specialty was "wild oats". His commanding physique, compared with his strong intellectuality, could not fail to attract the attention of men capable of recognizing such towering native ability, and they deplored such waste of fragrance on the desert air.

Influences were pointed to induce him to turn his efforts more into channels in keeping with his splendid capabilities, and afford him a brighter field of usefulness. The best lawyers visited him at his humble shoe bench, and tendered him the use of their libraries and the benefit of their instructions if he would read law. He finally accepted the proposals, read the law books and mastered their contents.

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In his great mind the most profound and intricate questions of law were as simple and comprehensive as the rudimentary school books. He was eminently successful in the law, and stood in the front rank of law at any bar.

It has been charged against him that he was lacking in gratitude toward those who contributed largest to his success, and, in his imperious manner, hectored over friends and foe, alike. Law brought him into politics, and he shown in splendor in the political arena. He was a Democrat, in contradistinction to the then opposing Whig party.

Like Evermont Ward, he also did some preaching, on the side as a local Methodist minister and in that early day when the religiousward were sometimes associated together in service.

Some years before the war and after he had served a term in the Senate with such illustrious colleagues as E.W.McComas, of Cabell, and Henry L. Fisher, of Mason, he suddenly went West. As there was another notable disappearance simultaneously, the two were always associated together in the mind's eye of the ever suspicious public.

That old gossip "Madam Rumor", also whispered it about while in the West he held some very important legal relations in some of the state and territorial conventions. His ability, astuteness, and legal knowledge would command important legal relations anywhere. His physical build, as well as mental capacity were great; and to these advantages were added an imperious manner and domineering spirit that cut no little figure in the success that he achieved.

In the Legislature, when he was handling measures that provoked opposition and in the Court room when he was being worried by having a weak case on his hands he would frequently lash and storm, and run the opposition to shelter that he might have a clear field for his measure,,or cause.

He was a critical observer of human nature, and studied his opposed counsel closely. If they exhibited signs of timidity, he frightened them into silence. If they gave evidence of irritability he provoked them to rage that they might abuse him, and neglect their cause.

He never failed to give his own point, nor to take advantage of a point left unguarded by his opponent. Many a bright young lawyer with a strong case against Ferguson in court, and ambitious and zealous young statesmen in the Legislature, with some wholesome measure to promote that was opposed to Ferguson's interests have felt the keen edge of his sarcasm, and have been driven into corner to escape his onslaughts.

From Wayne County News, September 3, 1948.

- BENCH AND BAR OF WAYNE COUNTY, 1843 to 1873 -

(By W.L.Mansfield)

The second lawyer to locate in Wayne County was Joseph J. Mansfield, a native of Bedford County. He had come of good family, and his father fought both in the Revolutionary war and the War of 1812. His father was a Methodist minister, whose credentials as an Elder were duly inscribed on parchment and signed in Mechlenburg, Va., in 1796 by Francis Asbury, the eminent English divine and co-worker of John Wesley.

Bishop Wesley, after he came to America, resided in Spottsylvania County, Virginia, and died there in 1816. Col. Mansfield's mother's name was Jefferson, and he took his middle name from her family. He was left an orphan at an early age, and, early in ~~his~~ life was thrown upon his own resources. He started out from the old town of Liberty, a poor but resolute young man, facing his course westward and going by easy stages, teaching school and reading law as he proceeded. He reached the Ohio River border in the 1830s and located at Barboursville, a full fledged lawyer.

As was the custom in that day he practiced in several adjoining counties, reaching the county seats by horse back, and carrying books and papers in saddle bags.

When the trouble arose between this country and Mexico he went to Texas, and remained there for several years and acquired a soldier's section of land.

At the close of the Mexican war he returned, re-located in Wayne County, and remarried there in 1850. He served one term as Prosecuting Attorney--from 1853 to 1857, defeating John Laidley, and was defeated by John Laidley at the following election. He

was the first resident lawyer to hold the office of Prosecuting Attorney, which was not considered as very attractive, as the remuneration was a small allowance made by the Judge at each term.

Col. Mansfield was prominent in politics and a strong campaigner, and usually canvassed the border counties below the Little Kanawha River for the Democratic ticket. He was intensely Southern in his sentiments and firm in his loyalty to Virginia. His resolute leadership had aroused the enmity of Union element, and while he was over the age of a soldier, he went to the front at the beginning because he knew he would not be permitted to remain, unmolested, at home.

Col. Mansfield had a good library for that day, which was almost depleted of the best books during the war. They were carried off by the soldiers who would often over-load themselves and be compelled to leave some of the burden at houses by the road-side. A few of the books left were after-ward recovered. Information came in for several years of valuable volumes being seen in homes and libraries in Southern Ohio bearing the name of "J.J. Mansfield" some of them as far away as Chillicothe.

In the year 1853, M.J. Ferguson, a studious native young man of the Twelve Pole and member of the large and prominent family of that name, was admitted to the bar. For native good sense, sound judgment, and foresight, his parents were ahead of the times; and as a consequence, young Ferguson had better opportunities than the average young man of the day, and he made good use of them.

He was full of vim and vigor, and a close student. He read good books, and retained, and used the knowledge stored up. At

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the election next preceding the war he was elected Prosecuting Attorney and had entered on the discharge of his duties with bright promise of success when his term was suddenly terminated by the war.

After peace was returned Col. Ferguson returned to Wayne and resumed the practice of law; but the interposition of the test oath soon eliminated him from the bar. He then removed across ~~XX~~ the Big Sandy river to Louisa, where he soon acquired a lucrative practice.

Before the political disabilities of his fellow Confederates had been removed in his native state, he had gained a competency and had served a term as Judge of his district in his adopted state.

When the Flick amendment abolished the test oath in 1871 Col. Ferguson resumed the practice of law in Wayne, and had a liberal share of the business until his death in 1882. He was a safe and sincere counselor and a zealous advocate, invaluable traits of the lawyer that cannot fail to bring a large measure of success.

Col. Ferguson had one of the most extensive and valuable libraries in this section of the country, and was as good a judge of the virtues of a book as he was of law. He had a most remarkable memory, both of news he read and of events that had transpired years back in the past.

His mind was a well stocked store house of useful information and knowledge.

In the spring of 1860 there dropped in at the County seat of Wayne a young lawyer named Vincent A. Witcher. He was sworn to

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practice at the same time of H.F. Prochard, a bright young lawyer of Louisa, Ky, who in after years gained great prominence at the bar. Witcher hailed from Pittsylvania County, down on the North Carolina line, and his grand father had gained the prominence of being defeated for Governor on the Whig ticket. He belonged to a restless disposition, as well as a fearless and independant character, and, withal, showed the evidence of having passed through some process of culture and good living. A few distant relatives of the family of the same name resided in the upper part of Cabell and Wayne counties. This may have been the reason for his having stopped in this section. There were said to be other, and sufficient grounds for his having started on the journey. Rumor said that he had crossed the mountain to seek an asylum of the western border, because of an affair between gentlemen in his own county. While he was in no sense a fugitive, , his friends counseled that the harmony of the community would be best promoted by the impetuous young attorney divorcing himself from the local area.

From Wayne County News, September 10, 1948.

- BENCH AND BAR OF WAYNE COUNTY, 1843 to 1873 -
By W.L.Mansfield.

Witcher maintained a discreet silence as to his past career, but every Virginia disturbance and feud brought forth a pamphlet in vindication, the public learned something of the affair that brought him West.

He was given to great volubility and metaphor, and trope dropped from his tongue like frost bittwn persimmons from the upper boughs. Politics was his specialty, and he could expatiate on the virtues of squatter sovereignty, or the rights and consquences of secession by any kind of measure.

This was the state of the Wayne County bar at the outbreak of the war in 1861, and this narrative shows that at that time Mansfield, Ferguson and Witcher, were the only resident Wayne County lawyers.

When the Virginian convention in April, 1861, adopted the ordinance of secession all of these attorneys cast their fortunes with the cause of their native state, and each of them responded promptly to her call to arms. On the 13th day of July, 1861, Ferguson, as Colonel of the Wayne County militia, led that force out on his first call to duty; then joined the Virginia state troops, and ultimately raised a regiment which served throughout the war. Mansfield, on the fateful morning of July 13 accompanied Col. Ferguson to Barboursville, participated in the fight on the 14th, and died on the 22nd from a gunshot wound inflicted a week earlier.

Witcher turned his face southward again and was early in the field at the head of an independant force known throughout

the war as "Witcher's Battallion". His command was detailed to cope with the bandits, guerillas, and numerous bands which lived in the mountains of Southwest Virginia, Eastern Kentucky and Tennessee. While his methods were asserted severe, provocation was great and the examples he made had a wholesome effect.

He was accused of originating the punishment known as the "Witcher Parole", which was employed on desperate characters, and consisted of breaking down a ~~standing sapling~~ strong sapling and attaching one end of a rope to the top of the tree and the other end around the neck of the transgressor, and allowing the sapling to gly back to its perpendicular position.

Whatever his faults, his reputation did violence to his real character. Witcher was called "Clawhammer" because when a young man he invariably wore the long, spike tailed coat that was the fashion among the young men of Virginia in that day.

Col. Witcher survived the war, but at its close did not return to Wayne County, He located for a time at some point in Virginia, where he found himself situated when peace was made.

Not until 1874 did he return to Wayne County, when he surprised his old acquaintance by becoming the Champion of John Hall, an extreme Republican of Mason County, who was running for Congress against Hon. Frank Hereford. With Hereford as their candidate, the Democrats were making a heroic effort to hold the third district against the attack of the Republicans.

Col. Witcher had engaged to make a survey of central counties in the interests of swinging the ex-Confederate vote to the support of Hall, which he was unable to do.

In 1862-63 a few terms of the Circuit Court of Wayne County were alleged to have been held in the town of Ceredo, presided over by Judge J.H.Brown, of Charleston.

Milton J. Ferguson, who had been elected prosecuting attorney in 1862, having joined the Confederacy, his office was declared vacant, and John Laidley was appointed to fill it. He held the office at the time of his death, in 1863. The other attorneys who appeared at Court were B.D.McGinnis, of Cabell, and L.T.Moore, George N.Browning and J.D.Jones, of Catlettsburg. During one term at Court John C. Vance, of Gallipolis, also qualified to practice law at the Wayne bar.

The sessions were held at an old church, which the records of the Court describe as the "meeting house". This old building stood in Ceredo and was moved to another lot in town at a later year. It belonged to the Hoard estate. On the death of J.Laidley, in 1863, one E.M.Fitzgerald, residence not given, was appointed Prosecuting Attorney; and about this time H. J. Samuels, of Cabell, succeeded J.H.Brown on the bench. As the Court of that time was a law unto itself, there was no question of review of its judgment action, and nothing that was done had any permanent effect.

A number of Confederate soldiers were indicted for "kidnapping" Union men and for stealing horses, but as they did not have the alleged kidnappers and the horse thieves in custody, and nobody was disposed to go after them, they were not brought to trial.

Judge Samuels made an order that directed that the Court be removed to Ceredo from the County seat, which order was immediately executed. In the interim from 1863 to 1865 no terms of the circuit were held.

- BENCH AND BAR OF WAYNE COUNTY --
1843 -- 1873.

In the re-organization of the judicial machinery in June, 1865, H.J. Samuels was still Judge of the Circuit Court, and convened a term at the County Seat at that time. Judge Samuels had two brothers in the Confederate Army, and they were among the most gallant of soldiers. Alex. Samuels was a Lieutenant in the Border Rangers, and late in the war fell fighting at Janesville, Virginia, where many of the gallant eighth lost their lives.

Judge Samuels managed to keep his loyalty on straight during the war. He even served as Adjutant General under the fictitious "Restored Government of Virginia", whose capital was said to be ~~xx~~ concealed somewhere in the outskirts of Wasgington and under the protection of the national administration.

For some time after the Courts were restored, the larger part of the litigation was the aftermath of the war. As the Southern contingent could not maintain a suit, nor testify as witnesses in any suit, the Courts were very unpopular with the majority of the citizens, who were thus ostracized. The Samuels family had long been prominent in this part of the State and had enjoyed many honors from the people. They were really ranked as southern people and Judge Samuels was expected to have, at least modicum of kindly concern for his friends even though he did not approve of their political action. The fact that he had held a position that had so much to do with restricting the rights and curtailing the liberties of his friends, brought down upon his head a deluge of maledictions. Years before this, the Latin inscription "Justicia Nemeni Neganda Est" had been deeply chiseled in the capstone

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over the front door of their Court House; and, until now, the virtue of the precept had not been doubted. Not only did it mock them in their distress, but the motto had been grossly perverted. Justice was being denied to everybody whose rights were being trampled down because they could not subscribe to the "Test Oath" imposed to rob them of their liberties and their property. Prejudices were engendered that were never forgotten, and contributed largely to the defeat of Judge Samuels for State Senator when the new district of Cabell, Wayne, and Putnam was established in 1882. In that convention Wayne voted solidly for Col. R. T. Harvey when Cabell was supporting Judge Samuels.

The attorneys who appeared at the June term, 1865, were B. D. McGinnis, who was still Prosecuting Attorney and Albert Laidley, of Cabell, O. S. Collier, Ralph Leete, and E. V. Dean, of Iron-ton, Ohio, and T. B. Cline, of Mason. J. J. Ferguson, of Wayne, was also sworn in for the Test Oath had not then been imposed. Little business was done at this term, beyond the installation of the machinery for the worse, which was to come later. At the following term, in October J. H. Ferguson, of Cabell and C. P. T. Moore and W. H. Tomlinson, of ~~Waynes~~ Mason were added to the list of practicing attorneys, and business began to take shape. The most potent power behind the throne, if not before the throne, was James H. Ferguson. No abler lawyer, more astute leader, or relentless commander ever led a host. He had returned from the West at the most opportune time for gaining a prominent relation under the new order of things. A man of his gigantic brain, legal ability, and imperious bearing was an invaluable acquisition to the novices; for, under the new regime, such men were rare.

Many blandishments, both in the way of power and opportunity, were offered at that time, and human nature has undergone no organic change since the time of Adam. As old friendships had been broken up by time and separation, and former sentiments disrupted by the vicissitudes and asperities of the war, Ferguson entered upon the work with his wonted zeal, consummate skill, and cold indifference to former ties and associations. His actions were very disappointing to his old friends, and struck dismay to their hearts. They had expected to rely on his influence and abilities to aid them in the vexed problems with which they were confronted.

Ferguson's associates were mere pygmies and figure heads in his giant grip. When he said to this one, "Come" he advanced quickly; when he commanded that one to "Go", he vanished with celerity. Even the powers higher up followed his counsel, because they could not dispense with his services and submitted to his dictation because they feared him. He made, and unmade Courts with the easy abandon of a Warwick crowing and deposing Kings.

A bill could pass the Legislature easier than it could ~~pass~~ pass Ferguson, and both the bench and bar trembled in his austere presence. His Lilliputian co-adjutors were as so many jumping ~~jacks~~ jacks in the hands of a prestidigitator. His power was without limit, and his rule was absolute.

Judge Samuels was succeeded by W.L. Hindman, an obscure lawyer from Charleston. He was selected by Ferguson, and appointed by the Governor. Physically, he was well; mentally, he was mediocre, and in legal ability fully up to the standard that was then required.

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Hindman meant well, but the office had its attractions and emolluments, and he leaned on his architect and builder because because he feared him, and in matters of legal opinion, was not able to stand alone . The most forceful natural endowment he possessed was a conscience, and this soon became so burdensome to carry around that he resigned from the bench.

There being no man of proper dimensions for the bench at this time, Ferguson accepted the Judgeship, himself. For the first time he became morally and legally responsible for the Judicial Acts of the Circuit Court that he had so, long dictated, and he discharged the duties with exact fairness and distinguished legal ability. Finding that the fees of his extensive practice in the several Counties were much more profitable than the salary of the Judge, he resigned, and took his former place as autocrat of the bar.

BENCH AND BAR OF WAYNE COUNTY, 1843 TO 1873 ----

By W.L.Mansfield.

About this time the city of Huntington was founded, and new lawyers began to be attracted there.

Among others was Charles W. Smith. In that early day he set a pace in coming to Huntington from Gallipolis, that has since developed into an exodus and been accelerated into a stampede. Smith was a Republican, and as lawyers of that political persuasion were scarce, there was a good opportunity for him. During the war he had commanded a Union post at Gallipolis, and as such had charge of a great many prisoners who were captured along the border.

Any officer who had charge of a prison during the war was execrated by the prisoners and their friends. For this reason, Smith was repulsive to the Confederates, but was hailed by the reconstructors as the man of the hour. He was a persuasive advocate, and in those days when cases were tried more on the emotions of the jury and the cleverness of the advocate than on the law and facts of the case, he was quite successful.

Smith was made Judge of the Circuit Court and proved a disappointment to both sides. A man of the strictest integrity, and with a heart as big as a toy balloon, he made an impartial and just judge, wearing no man's collar and serving no party's interest. Among his first judicial acts he peremptorily dismissed all vexation suits for damages growing out of the war; and started off with a clean docket, and kept it so.

He held the judgeship until the Democrats came back into power under the new constitution, in 1873. After being succeeded by Judge Ward, he resumed the practice until his death, which occurred in Huntinton about five years after his retirement from the bench.

After the political change in the Court in 1873, Judge Ferguson, though not so active and prominent, continued to appear and practice at the Wayne bar in occasional important suits. As the prejudices of the war wore away and the memories of reconstruction waned he restored many of the old friend-ships that had been alienated while passing through that period. He had returned to ~~his~~ his first political love, and as a Democrat displayed the same zeal and ability that had marked his course when affiliated with the radicals. He was a tower of strength wherever his were employed. In later years when he became a devout member of the Baptist church, he proved just as strong and effective as a worker for his church and the cause of religion as he had been in either politics or the law.

In his later life Judge Ferguson gave much study to the Bible and theological questions. In conjunction with a minister, he prepared a thesis on baptism in support of the doctrine of immersion. On every page is reflected the mind of the trained lawyer in the adduction of the testimony, the summing up of the evidence and the logical construction of the argument. As he originally was a Methodist his change of doctrine from application of the water on the subject to an application of the subject under the water, showed that he was as inconstant in religious faith as he had been wavering in political affiliation.

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Judge Ferguson was a great admirer of the late Hon. W.L. Wilson, and would sometimes speak of him as "The strongest public man in the state, and a good Baptist."

BENCH AND BAR OF WAYNE COUNTY, 1843 to 1873 -
By W.L.Mansfield.

It has been shown in these sketches that the war had extinguished the Wayne County bar, and when the Courts were re-organized in 1865, there was no lawyer residing within its limits. In the new lottery, B.D.McGinnis, of Cabell, drew the office of Prosecuting Attorney, and the bar was composed, principally of James H. Ferguson. A number of new faces were found. Among them were C.P.T.Moore, T.B.Kline, and W.H.Tomlinson, of Mason, and Col. W.H.Enocks, of Ironton, Ohio, Col.L.T.Moore, of Catlettsburg, Ky., who had practiced there before the war re-appeared, as also did the eccentric Fisher, of Mason. It was two years before any attorney came to Wayne to locate and take advantage of the fine opening presented to a local attorney.

In June, 1867, there unexpectedly rode into Wayne Court house a young lawyer from Boyd County, Ky., named G.G.Burgess. He had evidently sized up the situation in advance; for he sent the horse back to Kentucky and sought a boarding house. He was fresh from Ann Arbor and had just begun to practice law in the office of L.T.Moore, of Catlettsburg, and by whose advice he had come to Wayne. Being closely connected on his mother's side with several influential families, he met both encouragement and support from the beginning. These were the days when the country was passing through the throes of reconstruction; and as young Burgess was a Democrat not ostracized by the Test Oath, active and ambitious, he was a valuable acquisition. Working from the inside, he did much to remove the political disabilities of his his friends. He served first in the Legislature, and was the first Democrat to represent

the country. He was also the first representative to be elected, as all the previous representatives had gotten in by contest. He was next elected Prosecuting Attorney, and was the first local officer to hold that office by election after the war. He was elected for the third time, and afterward served a term as state senator from the newly established district of Cabell, Wayne, and Putnam, in conjunction with R.T. Harvey, of Cabell. He was afterward elected Judge of the Intermediate Court of Wayne county, and was long active in the legal and commercial business of the county. He died in September, 1901.

About this period several young barristers came in and hung out their shingles; but none of them remained long. Forgey, a young lawyer of Ironton, O. located in Ceredo, but soon returned to native city, made a name and acquired a competency in the law. O.S. Collier, an elderly attorney from the same city, also tried Ceredo for a reason. Strange to say, he was a Democrat, and after being defeated by Burgess in 1870 for the nomination for prosecuting attorney, returned to Ironton. Hughes, a sprightly young fellow from Jackson, O. tried it for a few months, but sought a location more congenial to his spirits and temperament. John Thompson, of Putnam county, a younger brother of the late Judge W.T. Thompson, of Cabell, made his initial bow in the legal profession at Wayne, but after a season found a more suitable location, and afterwards switched over to medicine, and did well.

In 1872 George F. Ratcliff, a man of exemplary life and splendid business qualities, who had come to Wayne Courthouse earlier as a deputy recorder under the old constitution, at the close of his term was admitted to the bar.

For many years he had a good practice, and took good care of it. Later on, he removed to Huntington, and died there about 1909. He practiced in partnership with the late Judge C.W. Smith, of Huntington, until the death of the latter-about 1878. After that he practiced some years with Judge John M. Burns, of Catlettsburg, Ky. His last connection at the Wayne bar was with Judge J.T. Harvey, of Huntington. His prompt and close attention to business brought his firm a liberal patronage.

From Wayne County News, October 8, 1948.

- BENCH AND BAR OF WAYNE COUNTY --

W.H.Enocks, of Ironton, O. was a Colonel in the Fifth Virginian, and during his war activities, came to Wayne county frequently. He thus caught a glimpse of the "land of promise" and sampled some of the fruits. After the war, he passed over to possess the goodly land, and enjoyed more of the luscious fruits, and many of his tribe came and pitched their tents around about Ceredo. Enocks was a good lawyer and a very agreeable man; and as he was hand-in-glove with the powers that were, he fared well. He served one term as Prosecuting Attorney, and was assistant and real prosecutor several times. He afterward came to the head of the Ironton bar; but having the misfortune to swallow one of the best law libraries in Southern Ohio he relinquished a splendid practice and went into retirement.

After the political disabilities of the Confederate soldiers and other "aiders and abettors of the Rebellion" had been removed by the Flick amendment in 1871. Ira J. McGinnis, who had just come to the Cabell bar, a bright and eloquent lawyer, as the war came up extended his practice over into Wayne County. Because of the political interdictions, McGinnis, at the close of the war ~~had~~ had located in Virginia, but when the Test Oath was abolished he returned to Cabell. He had a splendid bearing and a magnificent appearance, and was an eloquent and effective speaker, and a well informed lawyer. Because of his great force before a jury, he was especially in demand as a criminal lawyer, and was employed in nearly all the important criminal cases of several adjacent counties. He also had a large general practice in Wayne until he was elected to the bench in 1880.

Immediately upon the re-organization of the Courts, the law firm of Moore, Kline & Moore was organized. It was composed of Col.L.T.Moore, of Catlettsburg, Ky., Thomas B. Kline and C.P.T. Moore, of Point Pleasant. It was a strong association of lawyers and received a large practice. C.P.T. moore was afterwards elected a Judge of the Supreme Court of Appeals, and Kline removed to Huntington at an early day and represented this Senatorial district, as then constituted in the Legislature. He was a candidate for re-nomination in 1872. Judge J.H.Ferguson had charge of his candidacy, and the convention was held at Logan Court House. The Confederate soldiers had just been re-instated to citizen-ship and were the dominating influence in the district.

W.E.Wilkinson, an old soldier who had served a term in the Legislature from Wayne County was nominated over Kline Ferguson had returned to the Democratic party, and he and Kline were Union democrats and had been very congenial in their association at the bar since the war.

The Cabell delegation, headed by Ferguson, withdrew from the convention, and H.M.Scott, of Cabell, was inducted to run as an Independent. This walk-out occurred just as the Democrats were coming into power, and was the first Democratic bolt in this part of the state.

From Wayne County News, October 15, 1948.

BENCH AND BAR OF WAYNE COUNTY.

1843 -- 1873.

In 1868, after the office of Prosecuting Attorney had been padded around among the faithful, visiting attorneys, it came the turn for J.C.Wheeler to enjoy it for a season in the true sense of the term. Wheeler was not a lawyer. He was simply a man armed with a law license for political purposes, for license was the order of the day. He had just shed the office of Jailer without any pleasant memories clinging to the cast-off raiment, and donned the mis-fit garment of County Prosecutore. He took on T.B.Kline of Mason County and W H.Enocks, of Ironton, Ohio, as assistants and managers to get by.

Wheeler had come to Ceredo before the war as a Presbyterian minister, and as he had the ministerial make-up there is no doubt that he had worked at it to some extent. There was little doing in that line, and he accepted a deputyship in the Office of the County Clerk and moved to Wayne Court House. He wrote a plain record hand, and the work he did is the neatest to be found on the records to this day.

Being an ardent Union man, when the war got into full swing he sought a more congenial clime, and he moved back to Ceredo. There are no reasons to suspect that he ever suffered a second stroke of ministerial inspiration, for he did no more labor in the Lord's vineyard. In keeping with his ministerial character he eschewed the gunpowder fighting, but his enlistment as a soldier of fortune seems to have been for life.

Soon after the cessation of hostilities he applied a few shades of war paint and issued forth on a campaign of Civil conquest.

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He bobbed up serenely at the County seat and pre-empted the office of Jailer. In due time he emerged from this chrysalis a fully developed attorney at law, carrying all the concomitants pertaining to the profession. The additional embellishment of Prosecuting Attorney was put on, but this seems to have been a greater honor than his humble nature could uphold.

He started the Belshazzar stunt on a minor scale, was indicted for ~~mis~~conduct unbecoming an officer, and ousted. It was a case where the physician was not allowed to heal himself, and W.H. Tomlinson was appointed to prosecute the pleas of the state, including that against the deposed prosecutor.

In those days the jail appears to have been a veritable hot house for the sprouting of lawyers. Not three arrived at the bar of the Court by that route, not to speak of others who may have made their escape by crawling through the bars of the jail.

W.H. Tomlinson continued to hold the office of Prosecuting Attorney until the election of G.G. Burgess in 1871, and was the last of an illustrious line of visiting lawyers to hold that office.

From Wayne County News, October 22, 1948.

BENCH AND BAR OF WAYNE COUNTY

1843 --- 1873.

In 1869 two springtly young attorneys presented themselves before Judge Ferguson at the Wayne bar, to be sworn in to practice law. They were L.C.Ricketts, of Cabell and Joe Plymale, of Wayne.

Lucien C. Ricketts was prominently connected, very popular, bright, of good manners and possessed of a fine mind and a special adeptness for the law. He was a boy when the war came on; but, yielding to his impetuous enthusiasm for the cause of the South, he went out with the soldiers and did the fighting of a man. Because of his youth and courage, he was the idol of the soldiers and extolled by everyone. He was to some extent, a protegee of Judge Ferguson, who admired him greatly, and bespoke for him a successful career at the bar. Ricketts was of fine appearance, being well modeled and of pleasing and genteel manner and address. He had a clear and impressive way of presenting a case or discussing a point of law before a Court that never failed to command attention. He was always faultlessly attired, the very soul of courtesy and gentility.

Joe Plymale was a scion of a large and influential family, who were related to the Ferguson family by several intermarriages. The Plymale's were in easy circumstances, even after the war ravages. Though reared on a farm, the shrill notes of the whip-poor-will and the lonesome hoot of the night owl did not especially appeal to your Joe, for they disturbed his dreams of more pleasant things. He had aspirations of another order, and because of the ability of the family in a financial way, he was not

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ble to get that which the lack of has crushed the hopes of many a country boy--an academic education.

He was sent away from home to attend school, a rare thing in the life of country boys in that day. He read law in the office of his cousin, Col. M. J. Ferguson, at Louisa, Ky., and not only received the advantage of thorough instruction, but also had access to an extensive library. He was a close reader and made good use of his opportunities, and was well posted in general literature. He was admitted to practice law in Lawrence County, Ky. but his ultimate purpose was to permanently locate in his native county of Wayne.

When Ricketts and Plymale presented themselves at the Wayne bar to take the necessary oath to practice law in the court the odious and ubiquitous Test Oath rose up before them like Banquo's ghost. Plymale, as well as Ricketts, under the sudden impulse of some unguarded moment, had been guilty of the impropriety of flirting with the Confederacy, and neither could stand the test to which they were subkitted.

Judge Ferguson was anxious to admit them, and after some inquiry and deliberation, an order was presented and entered reciting that inasmuch as the young offenders were under the age of sixteen years of age when their malefactoons were committed, that they were exempted from the limitations of the test oath. They were the only attorneys qualified to practice in Wayne County through the benefit of a plea of infancy.

BENCH AND BAR OF WAYNE COUNTY.
1843-1873.

By W.L.Mansfield.

There was one addition to the bar in Wayne County in 1869 through the process known to horticulturists as "forcing" or unusual methods of germination. It was before the day of Burbank, and the art employed seems to have been afterward lost. At the March term of that year J.S.P. Carroll presented himself ~~armed~~ with a license to practice and requested to be qualified. In a sense of knowledge of the law, it was a very natural one, but one that the Court could not grant.

Carroll had never been accused of knowing any law, and was not suspected of being a lawyer, either by design, or inadvertence. The license was a clear case of carrying a concealed gratuity. A few years prior to the war he came to Wayne County as a northern Methodist circuit rider, to serve a few churches that had not gone with the other branch of that denomination. He had transferred from the Indiana Conference, and politics engaged more of his attention than religion. He was nervous and fidgety, and exhibited little of the mien, humble piety and humility of a minister of the gospel.

In his talk he was pompous and conceited. He insinuated himself into the leadership of the scattered abolitionists largely because no other man wanted the job. In his manner he betrayed an exaggerated degree of politeness, which in a dispute, assumed a mock and exasperating obsequiousness; but the smirk of the hypocrite was plainly reflected through the thin veneer of gentility.

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opponent was another Union man, and an honest and capable citizen, and the second condition of Carroll was worse than the first. Nothing daunted, he went up to the Legislature on a contest, and was elected a second time by the same influence as before.

Having put his religious professions in cold storage, he entered upon a saturation of wickedness. His hotel became a resort of gamblers and the demi monde, and chief among therevelerw was Carroll.

The carousals reached the ears of the grand jury, and indictments were filed against Carroll and his associates by the score. When the atmosphere became too heavily over-charged he decamped, taking with him the favorite of his seraglio. So far as the public knows, he never returned, but it was ascertained some years afterwards that he had again donned the garb of a parson and was holding a relation with the Methodist Conference in Indiana. His abandoned children, brought up under the influence of the most estimable mother, have attained stations in life of the highest respectability and usefulness. No reasonable estimates can be placed upon the virtuous influence of a noble woman.

He married a most excellent and worthy woman of one of the best families in his church, and among the most prominent in the county.

When the war came on he entered the army, not in a ministerial relation, but in a fighting capacity, and did much toward suppressing rebellion and meeting out punishment to the rebels at the close of the war when the spoilers swarmed down like wolves on the fold, their visages gleaming with the lust for gold. J.S.P. Carroll was in the vanguard, pointing with pride to his achievements, and claiming that reward henceforth laid up for those who had been loyal and brave.

He acquired the leading hotel at Wayne Courthouse, and while the records may not show that he was the Jailer de jure his hotel was situated near the jail; and Carroll had at least a feeding relation to that institution. During the war he had been a man of the world, and not only had gone in for glory but also for blood. As no man's religion can survive his morals, he had shed the mask and habilaments of the parson. He entered into the more congenial field of politics, and soon went all of the most difficult and freakish gaits.

He ran for the Legislature against one of the most prominent Union men in the county, one who had held down a seat in the first Wheeling convention, in 1861, and was an original Union man. Having no advantages over him on the plea of loyalty, Carroll went down to defeat before the better man. Advised by J.H. Ferguson, he filed a contest, and was seated by Ferguson, who was more potent than the Legislature. In the following election he sought an endorsement at the polls for the same office. His

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From The Wayne County News, November 19, 1948.

BENCH AND BAR OF WAYNE COUNTY, 1843 to 1873.

By W.L.Mansfield.

He made his first appearance in state politics at the Democratic State convention at Charleston in 1876. There being no building at that time in the State Capitol adequate for the accommodation of the Convention, it was held under a spreading elm tree on a vacant lot just off Capitol Street, as now located, and not far from the State Capitol. There were plenty of vacant lots in Charleston in those days, for the Armor Plate plant had not yet been built. It was in the days when the State Capitol was mounted on wheels and was being rolled about over the State to suit the whim of each succeeding Legislature. A red hot debate arose out of a proposed plank in the state platform relating to the permanent location of the Capital, and Daniel B. Lucas, of Jefferson County was the champion of the northern end of the state as against Charleston. Lucas was a hunch-back, and when he arose in the great assembly, looked like a diminutive boy. He was able, quick and strong in debate; and in retort could cut like a keen Damascus blade and sting like a mad hornet. Gibson was leading the debate for Charleston, and in him Lucas found an opponent worthy of his steel. It was a tug of war in which Greek met Greek, and the shock of the impact was terrific. Those who attended that convention cannot fail to remember the incident to this day. As the two speakers resided in opposite and remote parts of the state, they had never met, and when the debate commenced did not know each other even by reputation. Gibson was a candidate for the Legislature from Cabell, and at the following session in January, easily won the Speakership of the House.-1-

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His success was due, largely, to the reputation he made at this convention.

When Gibson made his first race for Congress in the new Fourth District in 1882, very few of his closest friends expected him to get the nomination. His success was due to his compact organization of the Counties below the Kanawha river. His loyal delegates stood like Spartans in unbroken front through hours of wearisome balloting, and won out in the wee, small hours of the morning. Gibson's campaign for re-election in 1884 was one of the ablest and most brilliant ever made in this part of the state. He had an unyielding spirit, as well as a combative disposition, and like an Olympic boxer, usually fought best from the undermost.

Perhaps there were a few other sporadic outbursts of law licenses in the County within the period covered by these sketches, but they were handled as a side-line, or used for strictly ornamental purposes, and without serious designs upon the body of the practice.

BENCH AND BAR OF WAYNE COUNTY.

1843 -- 1873.

A history of the Bench and Bar of Wayne County during the first thirty years would hardly be complete without a sketch of the veteran clerk of the circuit court, E.S. Bloss. When the Court was organized, in 1843, Henry Clark was appointed the Clerk, but in a short time was succeeded by M.J. Spurlock, who served by appointment. The first election of Clerk was in 1845 and the election was made by the twelve gentlemen Justices of the County sitting as Court for administrative affairs.

M.J. Spurlock and E.S. Bloss were the candidates, and the vote was six for each of them. An order was entered directing the presiding justice to give a second, or casting vote, and he cast for Mr. Bloss. A peculiarity of the situation was that both candidates were closely related to the same large and influential families, and were cousins by marriage.

Spurlock was a son of the Rev. Stephen Spurlock, a man noted for his strict piety and Godly walks; and Bloss had married a daughter of William Morris, and her mother was Rev. Spurlock's sister. Mr. Bloss, however, had the stronger pull on family influence from the fact that his father-in-law was the senior gentleman justice in the new county, and by virtue of this rank, under the ~~law~~ old Virginia law, became the Sheriff of the County.

The office of Sheriff was suspected of carrying influence, even in that early day, and Bloss had "a wheel within a wheel"; and the two wheels rolled him in.

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Mr. Bloss served as Clerk uninterruptedly from 1845 to 1860, when David Smith was elected Clerk, and his tenure was broken by the war.

On the reorganization of the Court, in 1865, Mr. Bloss was again appointed Clerk and subsequently elected, and served until he was defeated by a Democrat in 1871.

Mr. Bloss was a faithful and efficient clerk, and because of his uniform courtesy to attorneys and suitors, as well as to the general public, was a popular officer. About the only criticism made of his administration of the office grew out of the fact that he had a good farm ten miles from the Court House. When work was slack at the office and urgent on the farm he would close the office and take the ox out of the ditch.

In 1865 an order was made giving him permission to move such of such of the records as he found convenient to his home in the country.

The County Recorder was also a farmer, and resided fifteen miles from the Court House; and as a matter of convenience to the public, Mr. Bloss was made Deputy Recorder and performed much of the work of that office.

Mr. Bloss was a strong Union man, and there was no compromise of his sentiments; but, as he had a suave manner of maintaining his points, he retained many of his friendships with his Southern neighbors and associates. His large relationship through his wife, whose people were prominently aligned with the Southern cause had a tendency to mellow down the friction. Strange to say, Mr. Bloss was a lifelong member of the Southern Methodist Church, and the stone building erected near his old home had been named "Martha's Chapel" in honor of his wife.

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As the membership of his church was adherent to the south, there remained a degree of church fellow-ship that held closely enough to defy the wrenching of the war and withstand the shock of political prejudices.

When the timber industry had largely abated in Wayne County and after the increased value of land had led to the perfecting of titles, and the quieting of the owners in the possession of their homes, the value of law practice diminished in a large degree, and the strong visiting bar has not been so much in evidence. Now that the new industries in the way of oil, coal and gas development has opened up new sources of business and wealth, an impetus will be given to the practice of law and will be more profitable and attractive to the profession of the lawyer. Increased business of any and every kind will create new litigation.

A great change has taken place in Wayne County in the last forty years. After the native people had been gradually restored to ~~their~~ their privileges of citizenship and had taken the reins of government of local affairs into their hands again, the sold iers of fortune and the common adventurers, one by one, dropped out of sight as inconspicuously as pins losing out of an old paper. Those who had pitched their tents on the plains when the pastures looked good, quietly folded them and silently slunk away when the picking for them became short. The beautiful prospect that had lured them ~~o~~ on had turned into a deceptive mirage.

Instead of posessing a land of pure delight with unfailing rivers of sparkling water, when the disenchantment came there was a barren waste of desert sand stretching out before their political vision. After the lapse of thirty-five years almost every vestige and evidence of the invasion of Wayne County by the hordes of the ~~new~~ newer north following 1861, have been eradicated. - 3 -

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The subsequent conquest and occupation of her offices and places of profit, emolument and honor until 1873 have passed into unwritten history and are forgotten. The most pleasing remembrance of that epoch is the last.