

NEGRO CONTRIBUTIONS TO THE POLITICAL AND LEGAL HISTORY
OF THE SOUTHERN COUNTIES OF WEST VIRGINIA

A Thesis
Presented to
the Faculty of the Department of Political Science
Marshall University

In Partial Fulfillment
of the Requirement for the Degree
Masters of Arts

by
Charles Edward Easton
January 1964

THIS THESIS WAS ACCEPTED ON January 6 1964
Month Day Year

AS MEETING THE RESEARCH REQUIREMENT FOR THE MASTERS DEGREE.

Advisor Paul Stewart
Department of Political Science

Al Harris
Dean of Graduate School

TABLE OF CONTENTS

CHAPTER	PAGE
I. HISTORY OF THE MOVEMENT OF THE NEGRO INTO VIRGINIA	1
II. THE DEVELOPMENT OF WESTERN VIRGINIA AND ITS RELATION TO THE NEGRO	4
The Migration of the Negro into Western Virginia . .	4
The Importance of the Election of 1860	10
West Virginia Becomes a State	11
The Reconstruction of West Virginia and the Negro .	14
III. POLITICAL CONTRIBUTIONS OF THE NEGRO IN THE SOUTHERN COUNTIES OF WEST VIRGINIA	18
Voting	18
Political Officeholders	27
IV. LEGAL CONTRIBUTIONS OF THE NEGROES IN THE SOUTHERN COUNTIES OF WEST VIRGINIA	36
Legislative Enactments	36
The Negro and the Courts--Precedent-Setting Cases .	44
V. SUMMARY	52
BIBLIOGRAPHY	55
APPENDIX	62

PREFACE

West Virginia was formed from a portion of Virginia in 1863. The history of the Negro in West Virginia has its beginning in Virginia. It is for this reason that the writer devotes a general background study to the Negroes' origin in Virginia and advancement into West Virginia.

Since the majority of the Negroes in West Virginia are located in the Southern Counties which contain the mining population of the coal industry, the writer selected these counties to show the political and legal contributions of the Negro in the historical development of West Virginia.

The Southern Counties as designated by the writer are:

Boone	Lincoln	Mingo	Raleigh
Fayette	Logan	Monroe	Summers
Greenbrier	McDowell	Nicholas	Wayne
Kanawha	Mercer	Pocahontas	Wyoming

These counties were designated as southern counties because of their geographical location.

It was the purpose of this study (1) to show the Negroes' influence on the political and legal history of the southern counties of West Virginia; and (2) to show the political and legislative developments in chronological order as they appeared and became law.

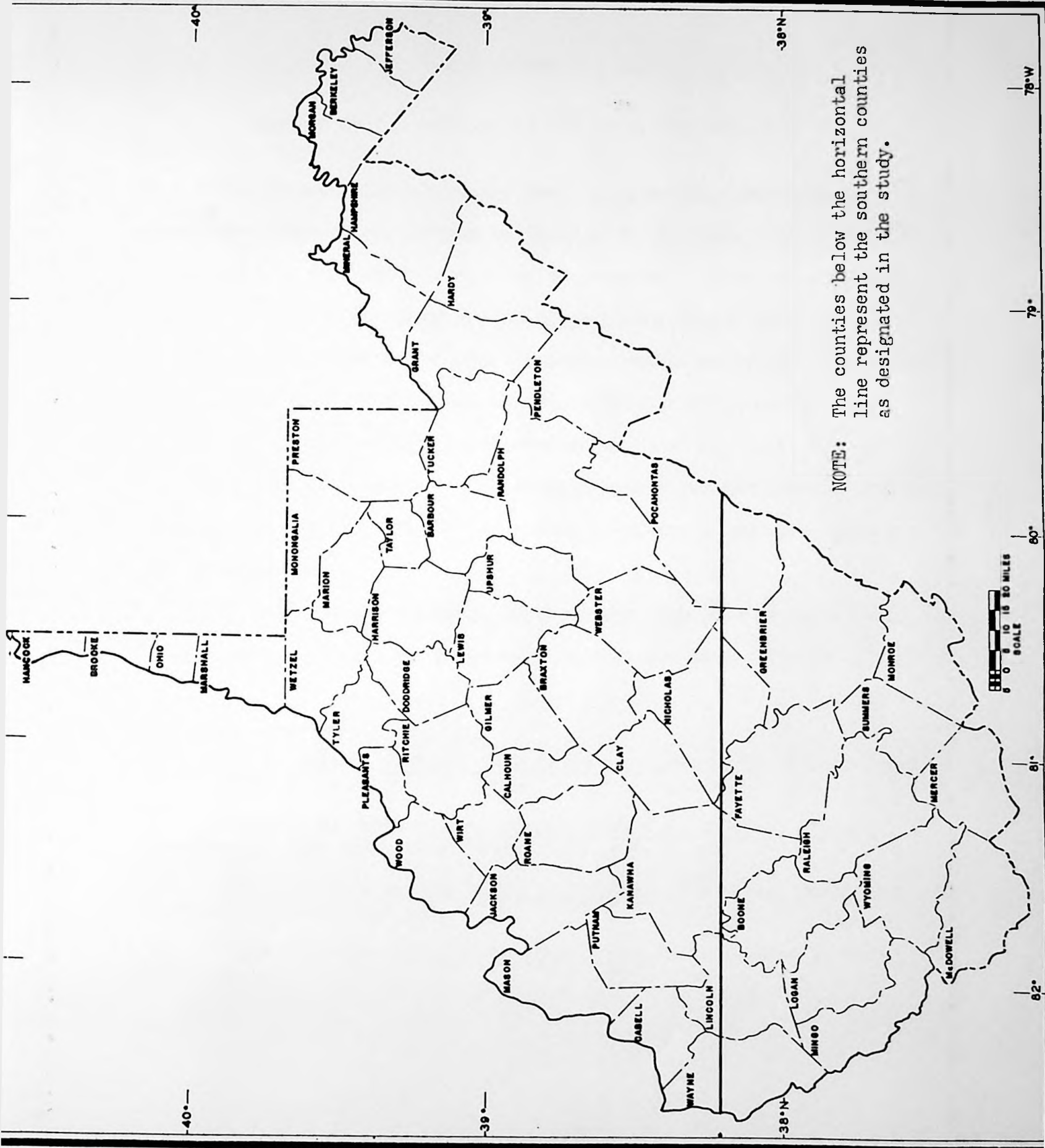
The Negro in West Virginia constitutes a small percentage of its total population. However, this percentage has played an important part in the political development of the state. During the Civil War, when

the southern states were exploiting the Negro, West Virginians were debating the question of the Negro as a citizen within the state. The question of Negro status was a heated, acrid contest. With ex-confederates being without citizenship status and the Unionists fighting to enfranchise the Negro in order to retain their power, a bitter battle developed over the Negro.

There were many debates for and against the admission of West Virginia as a free state. However, it was feared that Lincoln would now accept West Virginia under any other circumstances--except as a free state.

In West Virginia a clause providing for gradual emancipation was included in the new state constitution of 1862 in order to fulfill one of the requirements of admission to the Union. After the passage of the Fifteenth Amendment granting the right to vote, the state tried to promote that right. The Negroes in West Virginia had been granted a fair basis of legislation to guarantee their civil rights.

West Virginia has never had the enactment of Black Codes or racial restrictions against the Negro as her sister southern states. Throughout the history of West Virginia, the Negro has been remarkably free from race prejudice of the bitter and violent type.



NOTE: The counties below the horizontal line represent the southern counties as designated in the study.



82° 81° 79° 78°W

CHAPTER I

HISTORY OF THE MOVEMENT OF THE NEGRO INTO VIRGINIA

The introduction of African labor as a muscular force was an adventurous enterprise, proving on trial to be the most perfect catalytic agent of production then known to commerce.¹ This labor force was the fulfillment of the great demand of the young colony which needed a controllable and dependable labor force to make it accessible for human habitation. This labor demand made it profitable for adventurous traders to invest money in the enterprise of importing indentured servants to the new colonies in America.² Later a system was developed by which individuals could come to the new colony as either indentured servants or redemptioners.³

In 1619 a private vessel, known as the Dutch Man of Warre, sold twenty stolen Africans to the young colony at Jamestown, Virginia.⁴

¹J. A. Rogers, Africa's Gift to America (New York: Futuro Press, Inc., 1959), p. 34.

²Charles H. Andrews, The Colonial Period in American History (New Haven: Yale University Press, 1934), vol. I, pp. 55-77.

³Writer's Program, The Negro in Virginia (New York: Hastings House, Publishers, 1940), p. 4.

⁴Arna Bontemps, Story of The Negro (New York: Alfred A. Knopf, 1948), p. 4.

The Original settlers at Jamestown had no intention of practicing slavery.⁵ There was among them a system of indentured servitude brought over from England. Under this system and according to their habit, the service of a person could be obtained by another under certain conditions and for a period of time. It was not an unlimited bondage like slavery.⁶ A few years later the relationship between the settlers and their dark servants degenerated into ordinary slavery.⁷

In 1659 an act was passed, allowing free trade to the Dutch and all Christian nations. By 1661 slavery had become a fixed institution. Thus, Virginia became an open market with all encouragement for the development of slave trade in the colony. So great was the demand for Africans that in 1698, the trade was open to the public. On slave ships no space was wasted. Slaves were packed in like fish so that hundreds could be carried on each voyage. So intense became the traffic in slaves that, out of self-protection, the new colony considered means of restricting it. There was no stopping the trade, however, either by increasing duties or by offering premiums for the shipping of slaves to other colonies.⁸

⁵Ibid., p. 5.

⁶Ibid., p. 6.

⁷Ibid., p. 7.

⁸Writer's Program, op. cit., pp. 5-8.

From 1723 until the outbreak of the Revolution, the many attempts made by Virginians to restrict the slave traffic were fruitless.⁹ The importation of slaves from Africa did not cease until 1808, in which year laws prohibiting the activities became effective.¹⁰

⁹E. Franklin Frazier, The Negro in the United States (New York: The MacMillan Company, 1949), p. 36.

¹⁰Writer's Program, op. cit., p. 14.

CHAPTER II

THE DEVELOPMENT OF WESTERN VIRGINIA

AND ITS RELATIONS TO THE NEGRO

A. THE MIGRATION OF THE NEGRO INTO WESTERN VIRGINIA

The colonial period does not provide accurate information as to dates and numbers of the first Negroes migrating into Western Virginia. Western Virginia never had many slaves in comparison with the eastern portion of the state, and this fact so materially influenced the course of its history that it becomes proper to give an account of the institution west of the Alleghany Mountains.

As early as 1672 there were evidences of slaves running away into the interior, carrying guns, powder, and shots as exchange for haven with Indian tribes.¹ Runaways were so great a menace to the colony that decrees were promulgated to prevent this action. However, in spite of colonial decrees, Negro servants sought freedom from forced labor.² Reliable information relating to Negroes migrating into western Virginia does not appear until 1716.

¹Writer's Program, The Negro In Virginia (New York: Hastings House Publishers, 1940), p. 4.

²Thomas C. Miller and Hu Maxwell, West Virginia and Its People (New York: Lewis Historical Publishing Company, 1913), p. 31.

One of western Virginia's earliest explorers, as far as is definitely known, was Governor Spotswood.³ In 1710 Spotswood became Governor of Virginia, and his search for land and interest in converting the Indians led him to a deeper interest in the western portion of Virginia.⁴ Being adventurous and young, the new governor, himself the owner of several Negro slaves, sponsored a movement to prove that the Blue Ridge was not impassable.

In the summer of 1716 fifty gentlemen formed a group to accompany Governor Spotswood on his expedition west of the mountains. This group assembled their Negro servants and Indian guides and proceeded to find out what lay across the mountains beyond the Blue Ridge Mountains. Going across the Blue Ridge to the west bank of the Shenandoah River, they celebrated their claims in the name of King George I, the new King of England, by drinking and firing guns. As a symbol of honor for this great work in exploration and to encourage others to make such attempts, Governor Spotswood knighted them all as knights of the Golden Horseshoe.⁵

³Phil Conley and Boyd B. Stutler, West Virginia Yesterday and Today (Charleston, W. Va.: Education Foundation, Inc., 1952), p. 63.

⁴Sylvia Soupart, Stories of Virginia (Morgantown, W. Va: West Virginia University, 1934), pp. 8-9.

⁵John F. Hall, History of The Great Kanawha Valley (Madison, Wisconsin: Brant, Fuller and Company, 1891), vol. I, p. 49.

Negroes were brought into what is now West Virginia to the Greenbrier and New River Valleys by the Ingles and Draper families.⁶ They shared in the frontier life and participated in the Indian fighting. Some were captured and held as hostages.

In the French and Indian War of 1754-1763, Negroes were introduced to the state as military companions of its defenders.⁷ Negroes also served as protectors later; this is evidenced by the role of Ebenezer Zane's Negro servant, who helped to save a fort by fighting the Indians in 1777.⁸

The census of 1790 shows Negro slaves living in western Virginia.⁹ Around 1800 the manufacturing of salt opened a demand for Negro slave labor and made slavery important in Western Virginia, especially in the Kanawha Valley.¹⁰ Negro slaves came into Western Virginia with their masters one or two at a time.¹¹

⁶Writer's Program, op. cit., p. 126.

⁷Virgil A. Lewis, History and Government of West Virginia (Chicago: American Book Company, 1912), pp. 59-73.

⁸Miller and Maxwell, op. cit., p. 187.

⁹Carter G. Woodson, Free Negro Heads of Families in the United States in 1830 (Washington, D. C: The Association for the Study of Negro Life and History, Inc., 1925), pp. 166-183.

¹⁰Miller and Maxwell, op. cit., p. 184.

¹¹Ibid., p. 182.

Around 1827 Negroes were brought into Western Virginia near what is now Clarksburg, where a few slave masters had stopped on their way to the southern market to sell their slaves.¹² This also was the period when a large number of slave owners found homes in the Kanawha Valley. Many of these slave owners were persons migrating through Western Virginia who were stopped enroute by the cheapness of land and the opportunity to hire their Negro slaves to salt makers for cash wages.

A few years later, 1829 and 1830, slaves, with the assistance of anti-slavery mountaineers, had begun to escape to the free states where they were welcomed as free Negroes.¹³ Abolitionists were encouraging runaways to go to Harpers Ferry where they could seek freedom by the underground railroad.¹⁴ The Blue Ridge and the Allegheny Mountains were havens to slaves seeking refuge in the free states of Ohio and Pennsylvania and in Canada.¹⁵ Secret trails, forests, caves, and the presence of a large number of Scotch-Irish in the western portion of the state were aids to the fugitives. One of the workers of central Virginia

¹²Ibid., p. 186.

¹³Carter G. Woodson, A Century of Negro Migration (Washington, D. C: The Association for the Study of Negro Life and History, 1918), p. 32.

¹⁴Ibid., p. 33.

¹⁵Dwight Dumond, Anti-Slavery (Ann Arbor: The University of Michigan Press, 1961), p. 312.

was John Fairfield, who went into his native state as a poultry and provision dealer and abducted slaves. Another white man who had the reputation of being a harmless imbecile, paid occasional visits to Virginia; when he left, slaves were generally missing.¹⁶

Free Negroes living in Berkeley and Jefferson counties in 1830 purchased slaves for employment, many of whom were relatives and friends. These free Negroes were the first (Negroes) to own colored slaves in what is now a portion of West Virginia.¹⁷ After 1830 the number of slaves entering Western Virginia began to increase; in fact, this number increased until about 1850, whereas in 1860 a decrease was noticeable. This decrease was probably due to the fact that the Kanawha Valley counties had acquired practically as many Negroes as were needed to perform the manual labor in connection with salt making and that Negroes were being sold in large numbers to dealers who carried them south to work in the cotton fields.¹⁸

During the latter 1880's and early 1890's, the interstate movement had begun, and the mineral wealth of the Appalachian Mountains was

¹⁶Writer's Program, op. cit., p. 134.

¹⁷Carter G. Woodson, Free Negro Owners of Slaves in the United States In 1830 (Washington, D. C: The Association For the Study of Negro Life and History, 1924), p. 33.

¹⁸Miller and Maxwell, op. cit., p. 186.

being exploited. At first foreigners were migrating into West Virginia in large numbers to meet the demand; but when it was noticed that they could not fill the desired quota and the supply became inadequate, labor agents appealed to the Negroes in the south. This appeal accounts for a large number of Negroes coming into the mining regions of the state. Coal operators looked to such states as Alabama, Georgia, North and South Carolina, in addition to Virginia, for a labor supply and secured prospective miners through labor agents sent by them for that purpose.¹⁹

Expansion of the railroads was responsible for a large number of Negroes coming into West Virginia seeking employment, which they found plentiful.²⁰ The Chesapeake and Ohio Railroad was being constructed and brought thousands of Negro laborers into the area from Virginia. The completion of the railroad through the Kanawha Valley and eventually to Huntington presented an opportunity for railroad workers to remain and work in the rich New River coal fields.²¹ This transition from railroad workers to coal miners was also noticeable in the building of the Norfolk and Western railroads in the southern portion of West Virginia.

¹⁹Lorenzo Greene and Carter G. Woodson, Negro Wage Earners (Washington, D. C: The Association For the Study of Negro Life and History, Inc., 1930), p. 146.

²⁰Carter G. Woodson, A Century of Negro Migration, op. cit., p. 33.

²¹James M. Callahan, Semi-Centennial--History of West Virginia (Semi-Centennial Commission of West Virginia, 1931), p. 192.

In addition to working on the railroads, Negroes continued to migrate into the state to fill vacancies in the coal mines.²² From the early 1900's to the middle 1930's, a large percentage of the West Virginia Negro population lived in the southern counties, where a vast majority were employed in the mining industries located in these counties. These counties were located in an important coal-producing section of the state.

B. THE IMPORTANCE OF THE ELECTION OF 1860

The election of 1860 was very significant because it resulted in Abraham Lincoln, an anti-slavery candidate, being elected as the President of the United States. The president was destined to play an important role in the formation of the free state of West Virginia. The election was also the beginning of the Republican Party in the counties and a vast majority of the people cast their votes for Lincoln and played an important part in the Negroes' future political life within the new state.²³ It was also the era of sectionalism between the states which supplied the impulse of war, and the events resulted in the emerging of a new state to be called West Virginia.²⁴ In fact, had it not been for the War Between

²²Woodson, A Century of Negro Migration, op. cit., p. 34.

²³Thomas E. Posey, The Negro Citizens of West Virginia (Institute, West Virginia: West Virginia State College Press, 1934), p. 7.

²⁴James G. Randall, The Civil War and Reconstruction (Boston: D. C. Heath and Company, 1953), p. 330.

the States of the 1860's the new state of West Virginia would not have materialized.²⁵

The first Republican Convention in Virginia was held at Wheeling, May 2, 1860. The purpose of this convention was to initiate resolutions protecting free white laborers in the state and to consider plans for the disposition of the free Negroes in the United States.²⁶

C. WEST VIRGINIA BECOMES A STATE

At the first constitutional convention called to consider the possibility of making the western portion of Virginia a separate state, Rev. Gordon Battelle, a Methodist minister from Ohio County, and Rev. Robert Hagar from Boone County went on record in an attempt to manumit the Negro slaves through a process of gradual emancipation, thus making West Virginia a free state.²⁷ The members at the convention debated vigorously over the issue of a gradual emancipation clause being inserted into the new constitution. In fact, some of the members felt Congress would not favor making two slave states out of one, pledging four senators to the institution of slavery instead of two from Virginia.

²⁵Isaiah A. Woodward, West Virginia and Its Struggle for Statehood--1861-1863 (Baltimore: The Wolk Publishing Company, 1954), p. 1.

²⁶Posey, op. cit., p. 8.

²⁷Ibid., p. 9.

A vociferous advocate for the abolition of slavery in western Virginia, Rev. Gordon Battelle submitted several resolutions to the convention, although no action was taken on them. Ephraim B. Hall from Marion County moved that Battelle's resolutions be indefinitely laid on the table, and the apparent annihilation of these resolutions was carried by a vote of 24 to 23. The issue of slavery, so far as the convention was concerned, was concluded by the adoption of the first clause of Battelle's resolutions which stated that no slaves or free persons of color shall be brought or permitted into West Virginia for permanent residence after the constitution became effective.²⁸ Eventually the convention formed and adopted a constitution for West Virginia, and created the name Kanawha. The final ratification of this document made it the supreme law when West Virginia became a state.²⁹

Following the completion of the constitution for the proposed state of West Virginia, Senator Willey on May 29, 1862, presented a bill to Congress which requested statehood for the West Virginians.³⁰ When the bill was examined by the Territorial Committee in Washington, a majority of the Senators showed they were not satisfied with the section of the proposed constitution dealing with slavery.³¹ Senator Willey offered an amendment to the state constitution in order to secure passage and acceptance by the Senators which states:

²⁸Ibid., p. 10.

²⁹Woodward, op. cit., p. 19.

³⁰Ibid., p. 20.

³¹Ibid.

West Virginia is hereby admitted into the Union on equal footing with the original states in all respects whatever upon the fundamental conditions that from and after the 4th day of July 1863, the children of all slaves born within the limits of said state shall be free.³²

This amendment was acceptable by a majority of the Senators because it provided for the gradual abolition of slavery and therefore was adopted by them. However, when the bill reached the House of Representatives its constitutionality was questioned. After considerable debate the House passed the bill on a majority vote on the grounds that admission would result in bringing about order and peace in Virginia. After Congress had approved the West Virginia Statehood Bill, it was presented to President Lincoln for consideration. The President received numerous letters, messages, and telegrams from sympathizers in support of the new state movement. Despite the legality of the bill, it did not abolish all slavery in the new state, and it was believed that Lincoln would not issue a proclamation granting statehood until this matter was rectified.

The loyal people of Western Virginia prepared a referendum on the amended constitution on which they cast their votes favorably. The ratification of the Willey Amendment to the state constitution fulfilled all the qualifications of West Virginia for membership in the Union.³³

President Lincoln issued a proclamation on April 20, 1863, declaring the state admitted to the Union, designating June 20 as its effective date.³⁴

³² Ibid., p. 21.

³³ Ibid., p. 30.

³⁴ Ibid., p. 31.

West Virginia became the first state admitted to the Union with a gradual emancipation clause in her constitution.³⁵ After the successful settlement of the Statehood Bill, the West Virginia delegates called an emergency session to elect officers to run the new state government. As a result of the statewide voting, Arthur I. Boreman was elected the first governor of West Virginia.³⁶

D. THE RECONSTRUCTION OF WEST VIRGINIA AND THE NEGRO

After the close of the Civil War, West Virginia, like the Confederate States, was to undergo a period of reconstruction. During the reconstruction period in West Virginia considerable time was spent in making the Negro a citizen. The Negro in West Virginia had to achieve some fundamental rights in order to become a complete citizen. These rights were the privilege to vote, the privilege to hold public office, the right to complete emancipation, and the privilege to act as witnesses and testify in court. Even though West Virginia was a free state, the gradual emancipation clause in the constitution legally was not applicable to slaves over twenty-five years of age. It was felt by a few leaders of the state that a law should be passed to abolish all slavery in the state. There was some doubt as to the legality of such a

³⁵Posey, op. cit., p. 16.

³⁶Woodward, op. cit., p. 32.

law, but Governor Boreman, with the influence of a leading Democratic newspaper, attempted to emphasize the advantage of complete abolition of slavery in the state.³⁷

When the Legislature met in 1865, it attempted to ascertain opinions as to the feasibility and legality of abolishing slavery. A committee was formed to report on its findings. When the committee reported it had adopted the following bill:

Be it enacted by the Legislature of West Virginia: First, that all persons held in service or labor in this state are hereby declared free. Second, there shall be neither slavery nor involuntary servitude in this state except in punishment of crime, whereof the party shall have been duly convicted.³⁸

After several stormy debates in the House as to the power of the Legislature to alter the constitution without soliciting its ratification by the people, a bill abolishing slavery in West Virginia was finally passed by the House and Senate. At the same time, the Thirteenth Amendment was ratified by both Houses, thus giving the Negro complete freedom.

The next step in the process of achieving Negro citizenship after complete manumission was the privilege to act as a witness and testify in the courts. Governor Boreman, in an attempt to help Negroes secure these rights, stimulated interest in that direction when he addressed the Legislature of 1866 on the Negro problem and urged the consideration of the recent amendment to the United States Constitution, which abolished

³⁷Posey, op. cit., p. 20.

³⁸Ibid., p. 21.

slavery and left the colored people free. It should be recognized that the Negroes were entitled to security and protection of person and property which should be guaranteed to them by proper legislature.

An important step toward the accomplishment of this purpose was the removal of the restriction upon the Negroes' competency as witnesses. Until this act of justice is done, all other guarantees are fruitless; and these unfortunate people are left to the mercy of anyone who chooses to inflict injury upon them.³⁹ This recommendation was subject to critical opposition and heated debates. However, it managed to survive the opposition and was passed.⁴⁰

Another phase in the Negroes' achievement of citizenship was the privilege to vote and hold office. In 1870 Congress adopted the Fifteenth Amendment to the Constitution. Several of the leading newspapers and people began to voice their opinions about the Negro franchise.⁴¹ An important issue was the severity of the Enforcement Act. It seemed inconceivable to permit former slaves to vote when a large percentage of the whites were denied that privilege. The Republicans were in favor of Negro suffrage in order that they might take advantage of their votes. The Democrats were opposed to Negro suffrage and felt all restrictions on voters should be repealed so the enfranchized whites could vote. These differences of interest divided the Legislature of 1870 on the question

³⁹ Ibid., p. 22.

⁴⁰ Ibid., p. 23.

⁴¹ Ibid., p. 24.

of Negro suffrage and the Test-Oath problem.⁴² After extended debate, the Constitutional Convention of 1872 settled the question of the Negroes' privilege to vote and hold office in West Virginia.⁴³ Thus, in the final analysis of the reconstruction era and the results of the Constitutional Convention of 1872, the Negroes were granted their rights to full citizenship and freedom.

⁴²Ibid., p. 25.

⁴³Ibid., p. 29.

CHAPTER III

POLITICAL CONTRIBUTIONS OF THE NEGROES IN THE SOUTHERN COUNTIES OF WEST VIRGINIA

A. VOTING

In this era of statewide social and political change, the right of each citizen to participate in the governmental process can be traced to the phraseology of the Declaration of Independence. But the last of the Civil War amendments and the Fifteenth Amendment spelled out this ideology by granting suffrage protection and by extending the right to vote for officials to run the government to these newly emancipated citizens.

In order to understand properly the political and legal contributions of the Negro to the southern counties of West Virginia, it will be necessary to review some of the conditions of voting in the state affecting Negroes after the close of the Civil War.

The Fifteenth Amendment to the Constitution adopted by Congress in 1870 prevented the United States or individual states from denying citizens the right to vote because of previous condition of servitude or race or color. But West Virginians had left the word "white" in the State Constitution as descriptive of those entitled to vote. The West Virginia Constitution granted the right to vote to

all white men and denied it to the Negroes in the state.¹ Since the Fifteenth Amendment had granted suffrage protection to all people. This fight was centered around the Test Oath, which denied whites who had fought against the Federal Government the right to vote but granted the franchise privilege to former slaves in West Virginia. The general feeling was that Negroes were not qualified to elect anyone for office nor fit to occupy office in a white man's government. The ratification of the Fifteenth Amendment by the House of Delegates and the Senate by a narrow margin provoked additional fury in the battle. Many people felt it absurd that an amendment had been passed which enfranchised approximately three thousand Negro voters in West Virginia, while more than twenty-five thousand whites were deprived of the vote. Since the bill bestowed voting rights on Negroes, it was assumed that it enfranchised all whites of voting ages. Prejudice ran high, and strong opposition to the Negroes was rapidly emerging.

In the Legislature of 1870 there developed a great demand for repeal of the Test Oath. The principal struggle was over the Flick Amendment, which would have granted universal suffrage to all citizens in the state. After surviving a stormy journey through the Legislature, the Flick Amendment, which repealed the Test Oath, was passed and approved in the election of 1870.

¹Constitution and Statutes--Virginia and West Virginia 1861-1866, Acts of the General Assembly (Wheeling: John Frew Public Printer, 1866), p. 57.

Struggling constantly for what he felt were the principles of the Union was Waitman T. Willey from Morgantown, who tried to reconcile the state to the acceptance of the Fifteenth Amendment. He urged equality before the law and stated that a man who was willing to risk his life for his country in the hours of peril was good enough to vote. The members of the Democratic Party opposed the Negroes as voters; they felt such a movement would make former slaves their equal. The Republican Party felt that the state of West Virginia should abide by the Fifteenth Amendment to the Constitution and recognize the rights of all individuals.²

There is no exact information available as to the date when the first Negroes voted, but there are excerpts which indicate that appeals were made by the Republican Party to induce the new politically clothed Negro citizens to aid the Republicans with their votes in nominating candidates for state offices to be filled in the ensuing election of 1870. This evidence indicates that the first Negroes to vote in West Virginia occurred in the municipal election held in Parkersburg, May 12, 1870.³ Also a news story of May 28, 1870, clearly indicates that in a Republican primary meeting Negroes voted in several townships to appoint delegates to the state convention.⁴

² Thomas E. Posey, The Negro Citizen of West Virginia (Institute, West Virginia, State College Press, 1934), pp. 23-26.

³ Republican State Convention, Wheeling Daily Intelligence, May 12, 1870.

⁴ Republican Primary Meeting, Wheeling Daily Intelligence, May 28, 1870.

There is evidence that the Republicans and Democrats competed vigorously for the Negro vote.⁵ The election of 1870 was won by the Democratic Party; also, in this election the voters demanded the formation of a convention to revise the constitution.

This convention met in Charleston along with the Legislature of 1872. It was alleged that the confederate spirit was so strong that proposals were made to change the name of Lincoln and Grant Counties to Lee and Davis. The results of the convention made West Virginia a southern state in its general pattern. Since there were no Negroes at this convention, the participants attempted to propose laws to disfranchise Negroes.⁶

During the political campaign of 1877, certain political leaders from Kanawha County asked Booker T. Washington to campaign for them so that they might get the Negroes to cast their votes in favor of moving the capitol from Wheeling to Charleston. To young Washington this was an honor and an opportunity to put his oratorical ability to practice, and his participation aided in the completion of this movement.⁷

⁵ The West Virginia Journal, October 19, 1870.

⁶ Charles H. Ambler, West Virginia, the Mountain State (New York: Prentice Hall, Inc., 1940), pp. 435-437.

⁷ Booker T. Washington, Up From Slavery (New York: A. L. Burt Company, 1901), pp. 92-93.

About this time the Klu Klux Klan was on the rampage near the capitol, Charleston. One of its major purposes was to control the Negroes in order to prevent them from exercising their influence in politics. Booker T. Washington witnessed a furious battle between the Klu Klux Klan and Negroes at Malden where he saw General Lewis Ruffner seriously wounded when he tried to defend the colored people.⁸

The Negro vote increased with the Negro population in West Virginia, but was of little significance until 1896. However, the election of 1888 witnessed an acrimonious battle over the gubernatorial contest in the state. At this time the center of attention was focused upon the degree of influence of the Negro vote. Even though the Democratic Party had been very hostile toward Negro suffrage, considerations were being given to its political potential, and especially to the political impact it might give the Republican Party.

As the election drew near, charges of corruption and graft had begun to fill the air. Rumors were circulating, creating a fear that the hired laborers and independent colored voters would sell their votes. The Republican Party was absorbing the Negro voters in the election which was going along smoothly in most of the state. At first it was assumed that Judge A. B. Fleming was a sure winner in the gubernatorial race, but after the final count was computed, it was determined that General Nathan Goff, the Republican candidate, had won the governorship.

⁸
Ibid., pp. 77-78.

The irate Democrats leveled charges of corruption, indicating that in the southern counties colored repeaters flocked around every voting place. The Democrats accused the Republicans of voting Negroes in regimental fashion and alleged that one thousand Negroes had been imported into these counties a few months prior to the election. After a court battle the Democrats gained the governorship.⁹

The result of this election made both parties recognize the emerging political power of the Negro. The Negroes, too, were becoming aware of their political strength and decided that in order for them to receive proper consideration and constructive benefits in the state, they would have to join together and elect a colored face to the legislature to represent their welfare. Thomas E. Posey stated that ordinarily the Democrats and Republicans were evenly divided politically, and during election time, the Negroes, if manipulated skillfully, could maintain the balance of power and become a decisive instrument for either party. A few Republican politicians were cognizant of Negro attitudes and felt the colored voters could be more effective with a Negro political leader. Serious attention was given to a Negro political office holder, and as a result of this inevitability, a colored face was destined to appear among the state legislators.¹⁰ Negroes had colored representation

⁹Posey, op. cit., p. 36.

¹⁰Ibid., pp. 36-38.

in the West Virginia House of Delegates from 1897 to 1907. This was not true from 1907 to 1919.¹¹ However, from 1919 to the present there have been representatives to protect minority rights in the West Virginia Legislature.¹²

The early 1900's saw the Negroes voting predominantly Republican. In 1904 the Democrats ruined their chances of securing the Negro votes due to a platform proposal which advocated separate provisions on public conveyances.¹³ From 1900 to 1919 the Negro leaders were diligently at work getting educational measures passed to raise the level of literacy among Negroes.¹⁴ However, it is not until 1919 through 1921 that constructive legislative measures began to appear on the statute books which were the result of three Negroes being elected members to the House of Delegates. These legislators were responsible for a host of bills, resolutions and favorable considerations pertaining to the colored citizenry of the state.¹⁵ From the 1920's to the early 1930's the Republicans held the Negro voters in McDowell County until all the election returns were in their favor. Consequently, in a few instances the final result swung to their party. Also during this particular time, Negro

¹¹Tenth Biennial Report, Bureau of Negro Welfare and Statistics, p. 93.

¹²Ibid., p. 122; and West Virginia Legislative Handbook and Manual and Official Register, 1919 through the West Virginia Blue Book, 1962.

¹³Ambler, op. cit., p. 492.

¹⁴Posey, op. cit., pp. 55-58.

¹⁵Ibid., pp. 58-61.

leaders would apply pressure and strategy to the Republicans, indicating that if it were not for their votes certain politicians would not be in office. These tactics were very effective in getting political considerations for the Negro.¹⁶ This is also the period in which the depression was creeping up on the nation, and President F. D. Roosevelt was ushered on the national scene and Governor Herman G. Kump on the state level, at which time Negroes were finding it expedient to vote the Democratic ticket. Prior to this time, Negroes who voted the Democratic ticket were ostracized by other Negroes because it was felt that the Democrats would enact laws to disfranchise Negroes in the state.

The middle 1930's found a few very prominent Negroes transferring their allegiance to the Democratic Party thus creating an air of respectability for other Negro followers who had aspirations in that direction. These Negroes were interested in getting the Democrats to promote advancement for the colored citizenry of the state.¹⁷ The early 1930's saw the Democrats (who had been out of control of the state for nearly forty years) enter the political picture with a big broom, sweeping everything

¹⁶Personal Interview with Attorney Leon P. Miller, June 29, 1963, prominent Republican leader from McDowell County, who had just returned from the Virgin Islands as Attorney General from 1955-1962, an appointment made by former President D. Eisenhower.

¹⁷Personal Interview with a renowned Republican leader, Kanawha County, Captain G. E. Ferguson, who possesses a sharp memory consisting of a wealth of information.

out of the state governmental machinery until they had gained control of nearly all regions.¹⁸ In the 1940's the Republican and Democratic platform committees contained Negro members. It is also significant to note that the new Democrats emerging on the state scene had taken a progressive maneuver and were advocating equality for all people, especially in all state-controlled and state-owned facilities such as public parks and recreation areas. Of course, there were some civil rights that had to be properly sanctioned by the courts of law.¹⁹

The statute books show evidence of favorable treatment toward the colored citizens through the influence of fair-minded whites and Negro leaders. The 1954 school decision handed down by the United States Supreme Court stimulated additional progress in West Virginia civil rights legislative measures.²⁰ From 1955 to the present much civil rights legislation has been enacted for Negroes in the state as a result of their participation in political affairs of the state. The results of the recent considerations given to the Negro in the state have been gratifying and encouraging.²¹ All of the prominent Republican and Demo-

¹⁸ Ambler, op. cit., p. 534.

¹⁹ Personal Interview with Attorney Willard Brown, May 6, 1963, Kanawha County, who has tried several civil right cases in the courts of West Virginia, which appears in Chapter IV; and with Attorney Lonesome, June 21, 1963, outstanding leader in the state, Kanawha County.

²⁰ Equal Protection of the Laws In Public Higher Education--United States Commission on Civil Rights, 1960, pp. 50-53.

²¹ See Chapter IV dealing with legislative enactments pertaining to Negro citizens in the state.

cratic leaders contacted seemed to be of the opinion that Governor W. W. Barron's administration has done more to foster civil rights than that of any governor in the history of West Virginia. For a border state, West Virginia has moved like a cataract in streams of civil liberties and has only one large boulder slowing the flow of progress. Opening the doors to fair employment for Negroes throughout the state is the next obstacle to be overcome.

B. POLITICAL OFFICEHOLDERS

The appointment of the first colored man to a public position in West Virginia created difficulties and some suspense in Charleston. Mayor Snyder, with the approval of the city council, appointed Ernest Porterfield as a regular policeman on June 10, 1873. A week after Porterfield's appointment, the chief of police, Captain McWhorter, and the other white policemen had agreed to resign. The following morning they submitted their resignations to Mayor Snyder, who accepted them with reluctance. The regular policemen turned in their uniforms and made it clear that they would not return until Porterfield was discharged. On June 17, 1873, Charleston had only one policeman. The following evening a special council meeting was called to discuss and propose a solution to the problem caused by the irate white policemen. It was concluded in the meeting that Porterfield would remain and a special force would be appointed until the old force could be replaced.²²

²²"A Lively Time Anticipated This Evening", The West Virginia Journal, Charleston, June 18, 1873.

It was not until 1896 that Negroes were able to assemble sufficient political strength to elect a Negro to the state legislature. Christopher H. Payne was elected on the Republican ticket from Fayette County where the Negro population had increased very rapidly after 1890 due to the growing expansion of coal fields in the county. He represented the Third Congressional District in the Republican National Convention three times. His earlier governmental service had been as a Deputy Collector of Internal Revenue. He was founder and editor of three Negro newspapers, which catered exclusively to the progress of the colored people. In 1903 President Roosevelt appointed him Consul General to the Virgin Islands where the people elected him Judge Advocate. He held this position until his death.

Another eminent Negro in the southern part of the state was Samuel Stark. He was considered very influential and headed the Republican Political Campaign for Negroes in the state several times, and was the first Negro State Law Librarian appointed by Governors A. B. White and Dawson.²³

Appearing in the political picture of West Virginia during the nineteenth century was Phil Waters, who aided Republican George W. Atkinson to attain the governorship in 1896. As a token of appreciation Waters was appointed to the office of Secretary of State as Recording Clerk. This appointment made him the first Negro to serve in this

²³Posey, op. cit., p. 39.

capacity. Through his competency and initiative he was promoted several times, finally to Chief Deputy Clerk of the Supreme Court of Appeals of West Virginia, a position he held until his death.

Negroes from Fayette County held several political positions. James M. Ellis was elected to the legislature and served three terms in: 1903, 1907, and 1909. H. H. Railey was also elected to the state legislature, serving in various political capacities until he was appointed as Superintendent of the Colored Orphans' Home. During the early 1900's Ollie Wilson was recognized as an important man politically. He was appointed State Librarian in recognition of his political services, a position he held until 1917.

The year 1919 witnessed three Negroes serving in the House of Delegates; they were instrumental in aiding the promotion of legislative measures pertaining to the colored citizenry and the state. Fayette residents elected John V. Coleman to represent them. He served on the Sanitation, Medicine, Labor, Penitentiary, Conservation and Forestry committees. During his tenure in office he assisted in the formation of constructive legislature affecting all coal miners in the state.²⁴

Kanawha residents were represented in the Legislature by T. Gillis Nutter for two terms--1919 and 1921. He was instrumental in securing the passage of the following legislation: (1) the woman suffrage bill, and (2) settling Virginia's debt against West Virginia.

²⁴Ibid., p. 46.

Harry J. Capehart from McDowell County served in the Legislature during the following terms: 1919, 1921, and 1923. He was responsible for the Capehart Anti-Lynching Law, and a law which prevented the exhibition of pictures that tend to incite race hatred; he also fostered the passage of a bill which created the School for the Deaf and Blind at Institute, West Virginia. President Hoover appointed Capehart an Assistant United States District Attorney for the Southern West Virginia District.

The first Negro woman to serve in the Legislature was Mrs. Minnie Harper from McDowell County, who was appointed to fill her husband's unexpired term. He had served three terms during his lifetime: 1917, 1925, and 1927.

Tyler Edward Hill, another member of the Legislature from McDowell County from 1927 to 1929, was the creator and first director of the Bureau of Negro Welfare and Statistics. From 1929 to 1935 Stewart Calhoun served in the House of Delegates from McDowell County. He was active in sponsoring legislative measures affecting the general welfare of the state. Two of his proposals were the Barber Bill, which required that a Negro shall be a member of the Barber Board, and a measure permitting integrated boxing matches in the state. Presently, he is serving as Assistant Prosecuting Attorney for McDowell County.²⁵

²⁵Ibid., pp. 38-61; supplemented by data gathered from personal interview with Attorney Stewart Calhoun, June 28, 1963, Keystone, West Virginia.

In 1921 James Arthur Jackson was appointed as State Law Librarian and has been reappointed continuously. Presently, he is serving as a member of the Governor's Committee on the West Virginia Commission on Constitution Revision.²⁶

Negroes began to emerge on the Democratic ticket in 1934, the first of whom was Fleming A. Jones, Jr., elected from McDowell County to the House of Delegates in 1935, 1937, 1939, 1941, 1945, and 1947. In 1950 Mrs. Elizabeth Simpson Drewery became the second Negro woman to serve in the House of Delegates from McDowell County. She was elected on the Democratic ticket and has held this office continuously. Her presence in the Legislature has been most conspicuous, and she has been instrumental in getting measures passed pertaining to the Negroes and civil liberties. She is a member of several state, county, district, and municipal committees concerned with education, humane institutions, labor, and industry. She was the first Negro from this state to serve on the Legislative Interstate Committee.

In 1960 Mrs. Drewery represented West Virginia at the National Health Forum in Miami Beach, Florida, and in New York in 1961. Numerous citations have been presented to her from civic organizations for distinguished service as a lawmaker. Presently, she is Chairman of the Committee on Health at Northfork, West Virginia, member of the Board of

²⁶Ibid., p. 46; and West Virginia Blue Book, 1960, p. 157.

Directors of McDowell County Public Library, Welch, West Virginia, and Associate Chairman of the McDowell County Democratic Executive Committee.²⁷

The contributions resulting from her presence and fortitude in getting bills, resolutions, and other measures passed are discussed in Chapter IV.

In 1952 Dr. H. T. Elliott was elected to the Legislature on the Democratic ticket from Logan County, serving as a member of the House of Delegates until 1954.²⁸ Following a vacancy in the House of Delegates, Leonard Barnett of Kanawha County was appointed as a member of the House of Delegates on the Republican ticket serving from 1957 to 1958.²⁹

West Virginia has been gifted with numerous brilliant and dynamic Negroes who have not been elected as legislators as such; however, their influence has been felt significantly in paving the way to progress in the field of civil rights. Appearing on the political scene in the state in 1938 from Kanawha County was Attorney William Lonesome, who spearheaded the rights of Negroes. Because of his drive and initiative, he has been elected and appointed to several important committees in the state. Some of these positions are: (1) member of the Democratic State

²⁷West Virginia Blue Book, 1955, p. 190; 1960, p. 214.

²⁸West Virginia Blue Book, 1952, p. 185; 1954, p. 131.

²⁹West Virginia Blue Book, 1957, p. 182; 1958, p. 201.

Executive Committee from 1940 through 1946; (2) Assistant to the State Democratic Chairman from 1944 through 1956.³⁰

Another leading Republican who has fought constantly for the advancement of the Negroes in the state is G. E. Ferguson from Kanawha County. He has been active in politics since 1910 and has been a member of the State Republican Executive Committee, a member of the Charleston Republican Committee from the Eleventh Ward, and Kanawha County Republican Executive Committee for thirty-nine years. He is the oldest member on the committee by tenure of office in the county. Presently, he is assistant to the State Republican Executive Committee Chairman and a member of the Human Rights Committee.³¹

Entering the political arena in the 1920's was Leon P. Miller, a Republican from McDowell County. He was the first colored Assistant Prosecuting Attorney in the state, serving from 1928 through 1932.³² He has also served as a delegate on political committees. He served sixteen years as a member of the State Republican Executive Committee from 1938

³⁰West Virginia Blue Book, 1945, p. 23; and supplemented with data gathered from personal interview with Attorney William Lonesome, June 26, 1963, Institute, West Virginia.

³¹Captain G. E. Ferguson interviewed July 2, 1963, Charleston, West Virginia.

³²West Virginia Blue Book, 1929, pp. 510-511.

through 1954. Attorney Miller was also assistant to the chairman of the committee on arranging the Republican National Convention in 1948. In 1952 he was an alternate delegate to the convention which nominated General Eisenhower as the Republican candidate for the presidency of the United States. Leon Miller was appointed Attorney General to the Virgin Islands by President Eisenhower in 1954, a position which he held for two terms until 1962 at which time he retired to private law practice with the Capehart and Miller Law Firm in Welch, West Virginia.³³

Negro appointments to public offices have increased notably since the early 1930's. In 1956 Attorney General W. W. Barron appointed George Howard Mitchell Assistant Attorney General of the State of West Virginia, a position he still holds.³⁴ Governor Barron's personal secretary, who is charged with the responsibility of handling his accounts is a Negro, Mrs. Mary Gray. One of the Governor's economic advisors was Dr. James F. Tucker, formerly on the faculty of West Virginia State College. J. Alexander Creasy was appointed to the Board of Probation and Parole, 1953, first by Governor Marland in 1953 and later re-appointed by Governor Barron in 1961 and 1962.³⁵ Joseph Peters, a present research

³³Attorney Leon P. Miller, interviewed June 28, 1963, Welch, West Virginia.

³⁴West Virginia Blue Book, 1956, pp. 26-27.

³⁵"Tops Long List of Appointments," The Charleston Gazette, July 2, 1963, p. 13.

analyst for the Board of Public Works of the State, was appointed in 1957.³⁶

The appointment of Dr. Mildred Bateman from Supervisor of the Division of Professional Services to Director of the Department of Mental Health in 1962, made her one of the highest salaried civilian employees in West Virginia state government.

³⁶West Virginia Blue Book, 1957, p. 56.

CHAPTER IV

LEGAL CONTRIBUTIONS OF THE NEGROES IN THE SOUTHERN COUNTIES OF WEST VIRGINIA

A. LEGISLATIVE ENACTMENTS

The state of West Virginia stretches out in such a geographical position that it is hard to determine whether it is northern, eastern, or southern in its composition. It is labeled a border state. West Virginia's treatment of the Negro is just as unique as its terrestrial shape. In fact, it is perplexing to depict its pattern of discrimination. A non-white individual traveling through the state can find it as liberal as any northern state or as stubborn as any southern state.

After the termination of the Civil War, West Virginia began to construct and make operative its governmental machine. Acquiescing to the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution, West Virginians began to consider the status of its recently manumitted slaves.

West Virginia's first governor, A. I. Boreman, urged liberal attitudes toward the colored citizenry after his first inaugural address. Local scrimmages began to appear in the state as to the disposition of the new politically-clothed Negroes. During the formation of the the government of the state of West Virginia, there were occasional feuds between whites over the Negro's status.

West Virginia's Negro citizens have labored in the political forest, hewing legislative timbers, performing tasks that have been challenging and difficult. But after considerable hard work, they have emerged with many of the opportunities which seemed like fruitless dreams. Walking out of the forest of politics, clothed with the power of citizenship, they have endeavored, by knocking at the door of justice, to receive respect and political privileges. In climbing the legal stairs of equality, the West Virginia Negro's political progress is being gradually achieved.

In West Virginia there are only two state laws relating to segregation. The first one prohibits intermarriage between Negroes and whites;¹ the second one establishes separate schools for free colored children in the state.² This latter law was operative until the 1954 United States Supreme Court decision which made it void.³

It is imperative to indicate that in West Virginia there have been no laws enacted which reduce or deny the rights of complete citizenship to Negroes. Also, there are no current practices, customs, or unwritten laws to stop Negroes from exercising their political prerogative such as participating on the juries, voting, and occupying public offices.

¹Acts of the West Virginia Legislature--1882, p. 340.

²Constitution of West Virginia--1872, Article 12, Section 8.

³Brown vs. Board of Education of Topeka, 347 U. S. 483, (1954).

There may have been attempts at denuding the Negroes of their political rights, but none have been successful.⁴ On the contrary, as a result of their position and influence, the Negroes have been successful in having placed on the statute books of the state a series of constructive measures according all the rights and privileges of citizens.

In 1891 an Act of the Legislature approved the Second Morrill Act which provided for the establishment of institutions for the instruction of colored students. Two colored institutions for higher learning were established as a result of this act, West Virginia State College and later Bluefield State College. A Negro who had dreamed and worked for an institution of higher learning for colored people was Christopher H. Payne, who in 1896, became the first Negro elected to the House of Delegates.

Since the election of the first Negro to the State Legislature, 1896, there have been very few sessions of the Legislature in which Negro citizens of the state have not been represented by a member of their race. The Negro members of the House of Delegates placed great emphasis on educating the Negroes to increase their efficiency so that they might rise to a higher level of wage earning and eventually to a better standard of living.

⁴Thomas E. Posey, The Negro Citizen of West Virginia (Institute, West Virginia: State College Press, 1934), p. 55.

It was the Legislature of 1919, in which there were three Negro members in the House of Delegates that influenced the enactment of significant laws involving the colored citizenry and the general welfare of the state. This trio was instrumental in getting the state to introduce and pass bills establishing industrial schools for colored boys and girls, and a state hospital to care and administer treatment to the colored insane. Earlier laws for which this group is responsible are the Caphart Anti-Lynching Law, and the law creating the deaf and blind institutions for Negroes. These capable legislators also worked very effectively together in getting favorable measures passed through the political machinery relating to coal miners in the state.⁵

The period from 1900 to the early 1920's marked the beginning of educational and eleemosynary institutions for colored citizens. But, more especially, it was the period in which Negroes had begun to take an active part as advisors, superintendents, and managers over institutional activities pertaining to Negroes.⁶

In 1921, the Bureau of Negro Welfare and Statistics was created by an act of the Legislature. This agency served as a watchdog over the general welfare of the colored citizenry. It also helped Negroes become

⁵Posey, op. cit., pp. 45-46.

⁶Ibid., p. 58.

better adjusted to their new community responsibilities and aided them in their advancement.⁷ However, in 1958, the Bureau of Negro Welfare and Statistics was discontinued due to a lack of sufficient funds to maintain its existence.

The 1920's witnessed the equalization of the teacher salaries and the subsidizing of tuitions by state laws to send Negroes out of the state who were desirous of advancing their professional status, but could not do so within the state of West Virginia, because of its dual educational policies.⁸ This out-of-state tuition law was repudiated in the 1957 West Virginia Legislature.⁹

The 1930-1933 Legislature passed an amendment to the Barber Bill which proposed that one member of the Barber Board shall be a member of the Negro race. This was a means to assure protection for the Negro barbers in the state. Also, during this period, the problem over boxing was settled, allowing inter-racial boxing bouts to be performed in the state.¹⁰

The ushering in of the 1940's found Negroes advocating equality and progress in all walks of life throughout the state. The struggle

⁷Ibid., p. 47.

⁸Ibid., pp. 55-58.

⁹Official Code of West Virginia, 1960.

¹⁰Official Code of West Virginia, 1937, and Personal Interview with Attorney Steward Calhoun, McDowell County, June, 1963.

was an effort to open all facilities on state properties (parks, recreational areas, turnpike facilities, etc.) to all persons regardless of color.¹¹

In the early 1950's the second Negro woman entered the political scene by way of the House of Delegates. She has been a part of a host of legislative measures passed for the general welfare of the state and all its citizens.¹² Mrs. Elizabeth Drewry was active in getting consideration for the continuation of Bluefield State College and the George Washington Carver 4-H Camp. (Her many political achievements were discussed in Chapter III.)

In 1959 a mayor's commission on Human Relations for the city of Charleston was appointed by the late Mayor John T. Copenhaver. The members of this commission represent all creeds, colors, and religions. The policy of this commission is to work quietly in a persuasive manner to accomplish its objectives in eliminating discriminating policies and practices in Charleston. The Annual Report submitted to Mayor Shanklin in 1961 indicated great strides and accomplishments in the field of civil rights. In fact, all major hotels and restaurants in Charleston now accept Negroes and offer them full accommodations. The work of this commission has set an example for the state in the field of human rela-

¹¹"Why We Are For The Democratic Party", The Charleston Gazette, Sunday, November 3, 1940, p. 11.

¹²West Virginia Blue Book, 1951, p. 181-1962, and Personal Interview with Mrs. Elizabeth S. Drewry, June 29, 1963, Northfork, West Virginia.

tions without the adverse publicity of public demonstrations. Other cities in West Virginia should attempt to emulate the techniques of this commission in accomplishing their purposes. The commission is presently working in the area of discriminatory employment practices directed toward the qualified minority applicants in the city. The commission hopes to be as successful in the area of fair employment as in its other activities dealing with human relations.¹³

In 1961 Attorney William Lonesome drew up a bill which was passed by the Legislators calling for the creation of a State Human Rights Commission. The powers and duties of the State's Commission are similar to the first commission initiated in Charleston, except that they cover the entire state. The techniques used to encourage mutual understanding and to eliminate discriminatory practices in establishments of public accommodations and employment throughout the state is that of persuasion. In the process of laborious endeavors, the members of this state agency were able to encourage more positive actions in the state with the help of the governor.¹⁴

To insure the congenial attitudes of the state toward eliminating civil inequities based on race, creed, and color, the West Virginia Executive Department issued an Executive Order, signed by Governor Barron in

¹³Annual Report to the Mayor, 1961, Mayor's Commission on Human Relations, pp. 1-5.

¹⁴Acts of the West Virginia Legislature, 1961, p. 693.

1962. This Executive Order prohibits discrimination in employment in state government.¹⁵ Presently, there is integration in all branches of the state government except the State Police Department. The reason why this department is segregated is due to the fact that it cannot find qualified Negro applicants. All state institutions are integrated including hospitals and colleges.

On June 16, 1963, Governor Barron issued a proclamation that coincided with a similar address given by the late President of the United States. This proclamation urged all West Virginians to give consideration to equal rights and opportunities for all people in accordance with the spirit of the constitution, democracy, and the West Virginia state motto.¹⁶

It is the sincere hope of many West Virginians and the members of the State Human Rights Commission that the Governor of West Virginia will emulate the action of Governor Bert Comb's codes of fair practices issued in the Commonwealth of Kentucky, 1963.¹⁷ An executive order of this nature would aid the State's Human Rights Commission tremendously in its mammoth endeavors.

¹⁵Executive Order By The Governor, State of West Virginia Executive Department, Charleston, January, 1962.

¹⁶"West Virginia 100--Governor's Statement", Sunday Gazette Mail, Charleston, June 16, 1963, p. 1.

¹⁷Executive Order By The Governor, Commonwealth of Kentucky, Frankfurt, June, 1963.

B. THE NEGRO AND THE COURTS--PRECEDENT SETTING CASES

It would be preposterous to assume that the Negroes have received all of their legal and political privileges without some struggle. These fights have taken place on the legal battlefields in the courts of West Virginia.

The cases and materials cited in this section involve controversial matters in which attempts have been made to protect all people and grant them just and due judgments to which they are entitled as citizens.

West Virginia has never been plagued by incidents manifesting themselves in riots, murders or physical feuds as a result of permitting Negro citizens the right to exercise their political rights. The first historical precedent-setting case tried by the United States Supreme Court involving the Negroes' political privileges was the Strauder v. West Virginia case in 1880; it settled the rights of Negroes to participate in jury service throughout the state. This case made the Negroes first-class citizens in this respect.¹⁸

The problem of protecting the people from one another has been dealt with in effective and successful ways by a combination of laws and state legislations. West Virginia, in procuring protective measures primarily to safeguard the freedom of the individual against attacks by

¹⁸ Posey, *op. cit.*, pp. 68-70, and Strauder v. West Virginia, 100 U. S. 303. (1880).

by other persons, denounced lynching murders. Even though West Virginia's legal records do not show a large number of incidents of mob violence resulting in lynching, a few fatal episodes have marred the state. Future recurrences of this nature were strongly discouraged in 1921 by the vigorous Capehart Anti-Lynching Law.¹⁹

The courts protected the rights of Negroes by upholding a code denying theatres in Charleston, West Virginia, the privilege of showing movies having scenes of mockery directed toward the Negro race. It was feared that the showing of such movies might incite race hatred, manifesting itself in forms of racial strife. The Circuit Court order in 1925, denying the showing of "A Birth of a Nation" movie eliminated future attempts to show movies directed at degrading persons of the minority race in the state.²⁰

The first case testing inequalities of public facilities was the Charleston Library case of 1928. This case was taken to the Circuit Court of Kanawha County. The court's decision was unfavorable to the Negroes; consequently, this case was taken to the West Virginia Supreme Court, which ruled that Negroes had the right to use the public library

¹⁹ Posey, op. cit., pp. 78-80, and Acts of the West Virginia Legislature, 1920-21, p. 233.

²⁰ Posey, op. cit., pp. 70-71, and Virginia Amusement Co. v. W. W. Wertz, Mayor, et al, Kanawha County Circuit Court, Chancery #50. (1925).

in the city. Thus, the libraries throughout the state were opened to Negro citizens.²¹

Housing bias directed toward members of the non-white race, especially the Negroes in the state, was settled once and for all in the precedent-setting White v. White property case in 1929, Huntington, West Virginia. The final adjudication in this case, which resulted from the Circuit Court, granted non-white persons the right to purchase and own property any place in the state where the owners chose to sell.²²

From 1930 until 1953, there were no significant legal battles dealing with civil rights of Negroes which promulgated changes on the statute books. However, in 1947 an attempt was made to integrate a swimming pool built with public funds. During the litigation of Lawrence v. Hancock, the Montgomery Swimming Pool case, the swimming pool was sold to a private association, thus making it private property. The United States Federal District Court ruled in 1948, that in so far as the swimming pool was municipal property, constructed from public funds, it was unlawful and unconstitutional to deny the complainant usage solely because of race or color; and when the pool was opened for public use,

²¹Brown v. Board of Education of Kanawha County, 106. W. Va. 476. (1928).

²²Posey, op. cit., pp. 76-78, and H. B. White v. Lewis White, et al., Cabell County Circuit Court, Chancery #549. (1929).

it should be available to persons of the Negro race.²³ However, the pool was closed in 1947 by the city and remained closed for twelve years until 1959, at which time it was opened to the general public.

The Kanawha County Airport which was opened in 1953, had a restaurant which was leased to a private corporation that refused to serve Negroes. Suit was filed by the late T. Gillis Nutter in the United States District Court for the Southern District of West Virginia, presided over by the late Ben Moore. Judge Moore ruled that in as much as the airport was built with public funds, that no part of the terminal building could be leased for concessions serving the public and denying service to any segment of the population. The result of this decision determined that all places of public accommodation built with public funds had to be open to all persons irrespective of race, creed or color. This case was a forerunner of recent civil rights cases in West Virginia.²⁴

Also in the area of lunch counter segregation, the Diamond Department Store of Charleston, a New York Corporation with residence and offices in that state, offered service to the public but refused to serve Negroes at its food counters. The plaintiff who sought lunch

²³ Paul Lawrence v. George M. Hancock, et al, CCA. #795. (S. D. W. Va. 1947).

²⁴ Anderson H. Brown, et al, v. County Court of Kanawha, et al, CCA. #124. (S. D. W. Va. 1951).

counter service filed suit for damages after being ejected from the store. In 1960 the case, Green v. Associated Dry Goods Corporation, resulted in desegregating the lunch counters in this store.²⁵

In 1954 the Supreme Court of the United States ruled that segregation of children in public schools solely on the basis of race was a violation of the Fourteenth Amendment to the United States Constitution.²⁶ Then came the question of what to do with former all Negro schools and colleges. A demand was requested for a state survey of education. The West Virginia Legislature, through legislative authority, pondered the feasibility of closing West Virginia State College and Bluefield State College, then institutions for Negroes, on the grounds of economy. An advisory committee was established through the State Board of Education consisting of six white and three Negro lay citizens who stated that it would be neither economical nor expedient to abandon West Virginia State College. However, due to the close proximity of Concord College, located twenty miles from Bluefield State College, some concern was created over the feasibility of keeping Bluefield State College open to the public. The status of this institution has been the subject of much debate and controversy over whether to retain it as a two-year technical

²⁵Oliver Green v. Associated Dry Goods Corporation, CCA. #2360. (S. D. W. Va. 1960).

²⁶Brown v. Board of Education of Topeka, 347 U. S. 483; 98 L. Ed. 873. (1954).

college or let it remain as a four-year institution.²⁷ In 1963 the State Board of Education decided to continue the college as a four-year degree-granting institution, thus ending all speculation as to the future status of Bluefield State College.²⁸

On December 15, 1954, the West Virginia Attorney General ruled that the Supreme Court's decision had rendered void the constitutional provisions of Article XII, Section 8, forbidding white and colored persons from being taught in the same school.²⁹ However, various developments have taken place relating to integration in the counties. There have been several cases testing a county's failure to integrate Negroes in the public school systems especially those located in the southern counties. At present, there are several cases on the courts' dockets pertaining to the hiring and placement of Negro teachers in integrated schools. However, the major effort has been to direct attention toward outstanding progress in reference to the education of the Negro in West Virginia. Several of these cases in which the final ruling was handed down in the District Court of the United States for the Southern District of West Virginia in 1963, had their initial beginning in 1956.

²⁷Lawrence V. Jordan, "Desegregation of Higher Education In West Virginia", reprinted in The Journal of Negro Education, Summer, 1958, p. 333.

²⁸"West Virginia", Southern School News, Nashville, Tennessee, March, 1963, p. 11.

²⁹Forty-fifth Biennial Report of Opinions of the West Virginia Attorney General, 1952-1954, p. 725.

The attorneys for the National Association for the Advancement of Colored People started several federal court cases seven years ago. After two days of hearing, the boards agreed to voluntary desegregation in the counties of Logan, Cabell, Mercer, Mingo, Summers and McDowell. The ruling for these counties was based on the precedent of Dunn v. Board of Education of Greenbrier County (1955).³⁰

In 1956 a suit was brought in Logan County because this county alleged that the schools were overcrowded and postponed desegregation. The Southern School News indicated that in August, 1962, the Logan County Board of Education had completely desegregated its public schools as a result of the Federal Court decision in Shedd v. Logan County Board of Education (1956).³¹

In Pierce v. Board of Education of Cabell County (1956), the board agreed to adhere to the precedent set in the Logan County school board case.³² Also in Starling v. The Board of Education of Mingo (1959), the final decision adjudged was similar to that in the Pierce case.³³

³⁰ Jack Greenberg, Race Relations and American Law (New York: Columbia University Press, 1959), p. 222, and Dunn v. Board of Education of Greenbrier County, CCA. #1693. (S. D. W. Va. 1955).

³¹ "Complete Desegregation Planned In Logan", Southern School News, Nashville, Tennessee, August, 1962, p. 5, and Teddy R. Shedd v. Board of Education of Logan County, et al, CCA. #833. (S. D. W. Va. 1956).

³² Michael D. Pierce, et al, v. Board of Education for Cabell County, et al, CCA. #838. (S. D. W. Va. 1956).

³³ Ann Starling v. Board of Education of Mingo County, et al, CCA. #927. (S. D. W. Va. 1959).

In the Taylor v. Raleigh County Board of Education (1956), the board agreed to adopt desegregation at such time as the court might direct. This county has been dragging its feet on integration, contending that desegregation has been slow because the Negro child and family do not want integration. This case is pending before the District Court of the United States for the Southern District of West Virginia, Beckley.³⁴

In Edith Goode v. Summers County Board of Education (1957), a suit was filed against the Board of Education for dismissing certified Negro teachers from a former Negro school and refusing to place them in existing white schools in the county. This case involved a Negro teacher hired by a contract but refused a teaching position because of her color. However, in 1963, the Federal District Court ruled that the plaintiff had no contractual or preferential rights to a job and that she was not discriminated against because of color.³⁵

These cases clearly present the struggles which the Negroes have had to endure to receive just consideration of their first-class citizenry in the state of West Virginia.

³⁴Gladys Taylor, et al, v. Board of Education of Raleigh County, et al, CCA. #159. (S. D. W. Va. 1962).

³⁵Edith Goode v. Board of Education for the County of Summers, et al, CCA. #213. (S. D. W. Va. 1963).

CHAPTER V

SUMMARY

Despite the small number of Negroes in West Virginia, their presence is felt as a factor in the political life of the state. Entering the state for various reasons and becoming citizens, the Negroes have been active in the political development of the state.

The migration of the Negroes into West Virginia in search of freedom and later economic opportunities was a worthwhile struggle. Adhering to the traditional separate but equal doctrine in the state was the beginning of benevolent segregation on the part of the state as a whole. Also, it has been fortunate for the new state and the Negroes that the dominant element felt free labor was better than slave labor. The tendency of the white leaders to be fair-minded in dealing with the colored citizens helped secure full citizenship rights for the Negroes in the state of West Virginia.

The transition from former slaves to first-class citizens by any measurement is a long way. Yet, in a century of Negro freedom, this is precisely what has happened, and the contribution of the West Virginia Negro to the political and legal history of the southern counties has been an indisputable one.

The increasing number of Negro voters gained for them considerable political recognition and legislative considerations. Through the years civil rights progress has been greatly enhanced by the presence of Negro legislators in the state capitol. The performance of these outstanding

individuals has paved the way for the acceptance of qualified Negroes in other areas of endeavors.

As the first century of Negro freedom moved forward, the state of West Virginia began to witness Negroes achieving positions in which a few years ago they would not have been given the slightest consideration. Two outstanding examples of such state positions have been those of Assistant State Attorney General and State Director of Mental Health.

The stage of litigation which was begun in 1879, set the pace for civil liberties. Although the state of West Virginia is traditionally southern, serious attempts have been made to give Negroes equal protection and justice before the law. As the period of litigation nears its end, there is not much more for the courts to say. Now that the Negroes are being amalgamated in West Virginia on the basis of personal merit, the walls of stereotyped customs and traditions are beginning to crumble.

In the appendix under the title, "Negroes Who Have Held Prominent Governmental Positions in the Southern Counties of West Virginia," is partial evidence of the success of the Negro politically.

The progress made by the colored citizens in the state is gratifying and encouraging.

BIBLIOGRAPHY

BIBLIOGRAPHY

A. BOOKS

- Ambler, Charles H. West Virginia, The Mountain State. New York: Prentice Hall, Inc., 1940.
- Andrews, Charles H. The Colonial Period in American History. New Haven: Yale University Press, 1934. Vol. I.
- Bontemps, Arna. Story of the Negro. New York: Alfred A. Knopf, 1948.
- Callahan, James M. Semi-Centennial History of West Virginia. Semi-Centennial Commission of West Virginia, Publisher, 1913.
- Conley, Phil and Boyd Stutler. West Virginia Yesterday and Today. Charleston, West Virginia: Educational Foundation, Inc., 1952.
- Dumond, Dwight. Anti-Slavery. Ann Arbor: The University of Michigan Press, 1961.
- Frazier, Franklin E. The Negro in the United States. New York: The MacMillan Company, 1949.
- Greenberg, Jack. Race Relations and American Law. New York: Columbia University Press, 1959.
- Greene, Lorenzo and Carter G. Woodson. Negro Wage Earners. Washington, D. C: The Association for the Study of Negro Life and History, Inc., 1930.
- Guthrie, James. Campfires of the Afro-American. Pennsylvania: Afro-American Publishing Company, 1899.
- Hall, John F. History of the Great Kanawha Valley. Madison, Wisconsin: Brant, Fuller and Company, Vol. I, 1891.
- Lewis, Virgil A. History of the Government of West Virginia. Chicago: American Book Company, 1912.
- Miller, Thomas C. and Hu Maxwell. West Virginia and Its People. New York: Lewis Historical Publishing Company, 1913.
- Posey, Thomas E. The Negro Citizen of West Virginia. Institute, West Virginia: West Virginia State College Press, 1934.

- Rogers, J. A. Africa's Gift to America. New York: Futuro Press, Inc., 1959.
- Soupart, Sylvia. Stories of Virginia. Morgantown, West Virginia: West Virginia University, 1934.
- Washington, Booker T. Up From Slavery. New York: A. L. Burt Company, 1901.
- Woodson, Carter G. A Century of Negro Migration. Washington, D. C: The Association for the Study of Negro Life and History, 1918.
- Woodson, Carter G. Free Negro Owners of Slaves in the United States in 1830. Washington, D. C: The Association for the Study of Negro Life and History, 1924.
- Woodward, Isaiah A. West Virginia and Its Struggle for Statehood--1861-1863. Baltimore: The Wolk Publishing Company, 1954.
- Writer's Program. The Negro in Virginia. New York: Hastings House, Publishers, 1940.

B. PUBLICATIONS OF THE GOVERNMENT
AND OTHER ORGANIZATIONS

- Acts of the West Virginia Legislature-1882.
- Acts of the West Virginia Legislature-1920-1921.
- Acts of the West Virginia Legislature-1961.
- Annual Report of West Virginia Board of Education and the State Board for Vocational Education-1947-1948.
- Annual Report to the Mayor, 1961, Mayor's Commission on Human Relations, Charleston, West Virginia.
- Biennial Reports of the Bureau of Negro Welfare and Statistics-1922-1952.
- Biennial Report of the State Superintendent of Free Schools in West Virginia, 1932-1954.
- Bureau of Educational Research, Howard University. Desegregation of Higher Education in West Virginia. Reprinted in the Journal of Negro Education, Summer, 1958. Washington: Howard University Press.

Constitution & Statutes--Virginia & West Virginia 1861-1866, Acts of the General Assembly (Wheeling: John Frew Public Printer, 1866).

Education. 1961 United States Commission on Civil Rights Report 2. Washington: Government Printing Office, 1961.

Equal Protection of the Laws in Public Higher Education, 1960. United States Commission on Civil Rights. Washington: Government Printing Office, 1960.

Executive Order by the Governor, State of West Virginia, Executive Department, (Charleston), January, 1962.

Executive Order by the Governor, Commonwealth of Kentucky, (Frankfurt),

Forty-fifth Biennial Report of Opinions of the West Virginia Attorney General, 1952-1954.

Official Code of West Virginia, 1937.

Official Code of West Virginia, 1960.

Tenth Biennial Report, Bureau of Negro Welfare and Statistics, 1943-1944. (Charleston, West Virginia: Jarrett Printing Company, 1944).

United States Bureau of the Census. Negro Population 1790-1915. Washington: Government Printing Office, 1918.

United States Bureau of the Census. Negroes in the United States, 1920-1932. Washington: Government Printing Office, 1935.

United States Bureau of the Census. Sixteenth Census of the United States: 1940. Washington: Government Printing Office, 1942.

United States Bureau of the Census. Seventeenth Census of the United States: 1950. Washington: Government Printing Office, 1952.

United States Bureau of the Census. United States Census of the Population: 1960. Washington: Government Printing Office, 1962.

West Virginia Blue Books--1919-1961.

West Virginia Educational Directories, 1947-1963.

West Virginia Legislative Handbook and Manual and Official Register 1919 through the West Virginia Blue Book, 1962.

C. NEWSPAPERS

Southern School News [Nashville] January, 1963.

Southern School News [Nashville] March, 1963.

Sunday Gazette Mail [Charleston] June 16, 1963.

The Charleston Gazette, November 3, 1940.

The Charleston Gazette, July 2, 1963.

The West Virginia Journal Charleston October 19, 1870.

Wheeling Daily Intelligencer, May 12, 1870.

Wheeling Daily Intelligencer, May 28, 1870.

D. INTERVIEWS

Anderson H. Brown, Realtor, Charleston, West Virginia.

Attorney Brown H. Payne, Jr., Beckley, West Virginia.

Attorney Willard L. Brown, Charleston, West Virginia.

Attorney Stewart A. Calhoun, Keystone, West Virginia.

Attorney Harry Capehart, Jr., Welch, West Virginia.

C. C. Carter, Counselor, State Board of Education, Charleston, West Virginia.

J. Cortez Cooper, Retired High School Principal, War, West Virginia.

Capt. G. E. Ferguson, Political and Civic Leader, Charleston, West Virginia.

Newman Goldston, Political and Civic Leader, Institute, West Virginia.

J. Arthur Jackson, Librarian, West Virginia State Law Library, Charleston,
West Virginia.

Lawrence V. Jordan, Chairman, Department of Education, West Virginia State
College, Institute, West Virginia.

Attorney William Lonesome, Charleston, West Virginia.

Wesley Lynch, Civic Leader, South Charleston, West Virginia

Attorney Leon P. Miller, Welch, West Virginia.

Martin S. Moore, Former Bailiff for the late Federal Judge Ben Moore,
Charleston, West Virginia.

Dr. Thomas Posey, Former Professor, West Virginia State College,
Institute, West Virginia.

L. A. Toney, Civic Leader, Institute, West Virginia.

E. TABLE OF CASES

- Anderson H. Brown v. Board of Kanawha County, 106. W. Va. 476.
(1928).
- Anderson H. Brown, et al, v. County Court of Kanawha, et al. CCA.
#424. (S. D. W. Va. 1959).
- Brown v. Board of Education of Topeka, 347 U. S. 483; L. Ed. 873.
(1954).
- Dunn v. Board of Education of Greenbrier County. CCA. #1693.
(S. D. W. Va. 1955).
- Edith Goode v. Board of Education of Summers County, et al. CCA.
#213. (S. D. W. Va. 1963).
- Oliver Green v. Associated Dry Goods Corporation, CCA. #2360. (S. D.
W. Va. 1959).
- Paul Lawrence v. George M. Hancock, et al. CCA. #795. (S. D. W. Va.
1947).
- Pierce v. Board of Education of Cabell County, et al. CCA. #838.
(S. D. W. Va. 1956).
- Shedd v. Board of Education of Logan County, et al. CCA. #833.
(S. D. W. Va. 1956).
- Anna Starling v. Board of Education of Mingo County, et al. CCA. #927.
(S. D. W. Va. 1959).
- Strauder v. West Virginia, 100 U. S. 303. (1880).
- Gladys Taylor, et al, v. Board of Education of Raleigh County, et al.
CCA. #159. (S. D. W. Va. 1962).
- Virginia Amusement Co. v. W. W. Wertz, Mayor, et al. Kanawha County
Circuit Court, Chancery #50. (1925).
- H. B. White v. Lewis White, et al. Cabell County Circuit Court,
Chancery #549. (1929).

APPENDIX

APPENDIX A.

DEFINITIONS OF TERMS USED

Adventurous trader. A trader who tried to become rich by dubious schemes.

Abolitionist. A person who favored the abolition of Negro slavery in the United States.

Chattel. An article of personal or movable property as distinguished from real property.

Disfranchise. To deprive of a privilege.

Elective franchise. The privilege of participating in the election of public officers which is conferred by public authority upon persons possessing stated qualification.

Enforcement Act. A law of Congress passed in 1870, and repealed in 1894, which prohibited racial discrimination by election officials, and bribery, intimidation, and violence by private parties in national elections.

Enfranchise. To confer the privilege of voting upon classes of persons who have not previously possessed it.

Flick Amendment. An amendment granting Negroes universal manhood suffrage in West Virginia.

Full-fledged citizen. A member in full standing of a political community and entitled to all privileges thereof.

Gradual emancipation. Developing little by little the steps of setting free from servitude or bondage by evolutionary social trends instead of upon violent revolution for the ultimate realization of a program.

Indenture servitude. An immigrant to service in a colony.

Precedent. A judicial, administrative, or legislative act or decision deemed of sufficient weight to be followed in subsequent cases.

Redemptioner servant. A person who paid for his passage from Europe by a stipulated period of service as a bond-servant in America.

Suffrage. The right or power to participate in electing public officials and adopting or rejecting legislation.

Test Oath. A voter's test act which was passed by the West Virginia Legislature, February 25, 1865, requiring from all voters an oath that they neither voluntarily had borne arms against the United States.

Underground railroad. In the United States before 1861, a system set up by certain opponents of slavery to help fugitive slaves from the South escape to free states and Canada.

Willey Amendment. The amendment that had to be incorporated into the new Statehood Bill, instituting a gradual emancipation clause before President Lincoln would sign the bill making West Virginia a state.

APPENDIX B.

WEST VIRGINIA SOUTHERN COUNTIES AS SELECTED BY THE WRITER

Name	County Seat	When Formed	Named For
Boone	Madison	1847	Daniel Boone
Fayette	Fayetteville	1831	General LaFayette
Greenbrier	Lewisburg	1878	Greenbrier River
Kanawha	Charleston	1789	Kanawha River
Lincoln	Hamblin	1867	Abraham Lincoln
Logan	Logan	1824	Indian Chieftain Logan
McDowell	Welch	1858	James McDowell, Governor of Virginia
Mercer	Princeton	1837	General Hugh Mercer
Mingo	Williamson	1895	Mingo Indian Tribe
Monroe	Union	1799	James Monroe
Nicholas	Summerville	1818	Wilson C. Nicholas, Gov. of Virginia
Pocahontas	Marlinton	1821	Indian Princess Pocahontas
Raleigh	Beckley	1850	Sir Walter Raleigh
Summers	Hinton	1871	Judge George W. Summers
Wayne	Wayne	1842	General Anthony Wayne
Wyoming	Pineville	1850	Wyoming Indian Tribe

SOURCE: Charles H. Ambler, West Virginia, The Mountain State, pp. 632-33.

APPENDIX C.

TABLE I

POPULATION OF THE STATE OF WEST VIRGINIA
1880--1960

Year	Total All Classes	White	Negro	Percent of Total Population
1960	1,860,421	1,770,133	89,378	4.6
1950	2,005,552	1,890,282	114,867	5.7
1940	1,901,974	1,784,102	117,872	6.2
1930	1,729,205	1,614,191	114,893	6.6
1920	1,463,701	1,366,235	86,345	5.9
1910	1,221,119	1,156,817	68,173	5.3
1900	958,800	915,233	43,499	4.5
1890	762,794	730,077	32,690	4.3
1880	618,457	592,537	25,886	4.2

Table I gives the total population of the state of West Virginia from 1880 to 1960. One can ascertain from Table I the total population from 1880 to 1960 of both the Caucasian race and the Negroid race, together with the Negroes' percentile of the total population of the state.

Table I also reveals that there was a progressive increase in the Negroes' population in West Virginia from 1880 to 1940. However, after 1940 a gradual decline in the Negroes' population is detected. This, the writer feels is due to a great extent to automation in the labor markets in which a majority of the Negroes were employed.

TABLE II
THE PERCENTAGE OF NEGROES OF THE TOTAL POPULATION
OF THE SOUTHERN COUNTIES OF WEST VIRGINIA

Counties	1960	1950	1940	1930	1920	1910	1900	1890	1880
Boone	1.2	1.7	2.6	3.0	5.0	1.6	1.6	2.5	3.2
Fayette	12.4	13.8	15.1	16.1	16.0	17.9	18.3	14.9	9.7
Greenbrier	5.5	5.1	6.3	6.5	6.6	7.2	8.8	11.1	13.2
Kanawha	5.8	6.6	6.8	8.0	7.5	8.0	7.3	8.0	8.0
Lincoln	0.8	0.2	--	0.2	0.3	0.1	0.4	1.9	0.6
Logan	7.8	9.4	11.5	11.9	11.6	3.7	0.9	6.2	1.5
McDowell	22.1	24.4	25.3	24.9	26.5	30.6	31.8	21.8	0.1
Mercer	10.5	11.2	11.1	12.4	13.0	15.5	12.6	12.6	4.9
Mingo	5.2	5.8	7.6	9.8	8.3	6.4	2.7	--	--
Monroe	3.0	3.6	4.4	4.6	4.3	5.2	6.3	7.9	7.8
Nicholas	0.6	0.1	0.1	0.3	0.3	0.3	0.2	0.2	0.8
Pocahontas	3.9	5.1	4.6	3.8	4.3	3.0	7.3	5.2	6.0
Raleigh	12.3	13.1	14.9	16.3	15.0	8.0	2.9	0.8	1.0
Summers	6.6	5.4	5.3	6.7	5.9	6.1	6.9	8.6	8.5
Wayne	0.3	0.1	0.2	0.4	0.5	0.7	1.4	0.9	1.5
Wyoming	3.7	6.0	8.5	9.4	10.5	1.0	1.1	1.1	1.5

SOURCES: United States Census of Population: 1960, West Virginia General Social and Economic Characteristics, U. S. Department of Commerce Bureau of Census, pp. 50-150--50-154. United States Census of Population: 1950, Part 48-West Virginia, p. 48-25, TABLE 12. Sixteenth Census of the United States: 1940, p. 472-475. Negroes in the United States, 1920-32, pp. 838-841. Negro Population 1790-1915, p. 794, TABLE II.

Table II reveals that the Negro population by county has always been small in comparison to the counties' total population. Consequently, the Negro has not always been able to exert a strong political power in all of the southern counties. It is interesting to note that in heavily Negro populated counties, the Negro has demanded recognition of his political power by the political machine. This was further revealed in Chapter III.

TABLE III

THE NEGRO POPULATION OF THE SOUTHERN

COUNTIES OF WEST VIRGINIA

Counties	1960	1950	1940	1930	1920	1910	1900	1890	1880
Boone	352	569	753	746	759	164	135	170	189
Fayette	7,626	11,387	12,138	11,607	9,636	9,311	5,857	3,054	1,122
Greenbrier	1,891	2,014	2,430	2,329	1,726	1,779	1,829	1,993	1,981
Kanawha	14,624	15,674	13,328	12,671	8,929	6,476	3,983	3,402	2,820
Lincoln	16	33	--	42	61	30	63	211	52
Logan	4,780	7,277	7,771	6,993	4,737	532	61	685	109
McDowell	15,873	24,127	23,910	22,558	18,157	14,667	5,969	1,591	3
Mercer	7,183	8,405	7,576	7,587	6,427	5,960	2,902	2,002	366
Mingo	2,060	2,717	3,099	3,768	2,191	1,236	309	--	--
Monroe	344	486	599	547	559	673	830	979	1,129
Nicholas	15	32	24	65	68	48	19	21	58
Pocahontas	392	628	646	558	638	445	625	353	334
Raleigh	9,552	12,574	12,915	11,116	6,393	2,052	360	79	71
Summers	1,038	1,024	1,076	1,369	1,120	1,130	1,115	1,127	771
Wayne	11	39	80	117	142	169	321	160	220
Wyoming	1,294	2,225	2,543	1,961	1,590	105	94	70	64

SOURCES: United States Census of Population: 1960, West Virginia General Social and Economic Characteristics, U. S. Department of Commerce Bureau of Census. United States Census of Population: 1950, Vol. II, Part 48-West Virginia, pp. 4875-4878. Sixteenth Census of the United States: 1940, pp. 472-475. Negroes in the United States, 1920-1932, pp. 638-841. Negro Population 1790-1915, p. 794, TABLE II.

APPENDIX D.

NEGROES WHO HAVE HELD PROMINENT GOVERNMENTAL POSITIONS
IN THE SOUTHERN COUNTIES OF WEST VIRGINIA

The writer felt it important to note that in attempting to make this list as complete as possible, the omission of any names is strictly due to the inability to ascertain the information and not purposely slighted.

Sources:

Annual Report of West Virginia Board of Education and the State Board for Vocational Education, 1947-1948.

Biennial Reports of the Bureau of Negro Welfare and Statistics, 1922-1952.

Biennial Report of the State Superintendent of Free Schools in West Virginia, 1932-1954.

Personal Interviews

Questionnaires

West Virginia Blue Books, 1919-1961.

West Virginia Educational Directories, 1947-1963.

ROSTER OF NEGROES SERVING IN THE STATE LEGISLATURE
IN WEST VIRGINIA FROM THE SOUTHERN COUNTIES

<u>Name</u>	<u>Resident</u>	<u>Party</u>	<u>Year</u>
Christopher H. Payne	Fayette County	Republican	1897-98
James M. Ellis	Fayette County	"	1903-09
Howard H. Railey	Fayette County	"	1905-07
John V. Coleman	Fayette County	"	1919-21
Thomas Gillis Nutter	Kanawha County	"	1919-21
Harry J. Capehart	McDowell County	"	1919-23
Howard H. Harper	McDowell County	"	1917-18
Mrs. Howard H. Harper	McDowell County	"	1925-27
T. Edward Hill	McDowell County	"	1929-29
Stewart A. Calhoun	McDowell County	Democrat	1931-33
Fleming A. Jones, Jr.	McDowell County	"	1935-37 1939-41 1945-47
Mrs. Elizabeth S. Drewery	McDowell County	"	1951-Present
Dr. H. T. Elliott	Logan County	"	1953-57
Leonard Barnett	Kanawha County	Republican	1957-58

Negro Employees of the Supreme Court of Appeals

Samuel Starks	1901 - 1908	State Law Librarian
John Gilmer	1908 - 1913	" " "
W. W. Sanders	1913 - 1914	" " "
Ollie Wilson	1914 - 1917	" " "
James Arthur Jackson	1921 - Present	" " "

State Bureau of Negro Welfare and Statistics

T. Edward Hill	McDowell County	1921 - 1927
J. W. Robinson	Kanawha County	1927 - 1929
G. E. Ferguson	" "	1929 - 1933
Isaac M. Carper	" "	1933 - 1941
C. F. Hopson	" "	1941 - 1954
Ivanhoe S. Wayne	" "	1955 - 1956
Mrs. Bird R. Farney	Mingo County	1956 - 1957

Negro Members of the State Barber and Beauticians Board

Alfred E. Goodwin	Mercer County	1932 - 1944
Paul Woods	Mercer County	1945 - 1959
Leonard W. Watson	Wood County	1959 - Present

Negro Assistant Attorney General of the State

George Howard Mitchell	Kanawha County	1957 - Present
------------------------	----------------	----------------

Negro Chiefs of Policemen

Henry Richards	Kimball (McDowell County)	1955 - 1956
James Arthur King	Kimball (McDowell County)	1959 - Present
Harry I. Moore	Chesapeake (Kanawha)	1959 - Present

Negro Assistant Prosecuting Attorneys for the Southern Counties of West Virginia

Leon P. Miller	McDowell County	1932 - 1935
Joseph Travis	McDowell County	1936 - 1937
Stewart A. Calhoun	McDowell County	1936 - Present

Negro United States Assistant District Attorney Southern Counties

Harry J. Capehart	McDowell County	1932 - 1933
-------------------	-----------------	-------------

Negro Chairmen of State Agencies in the State Government

J. Alexander Creasey, Chairman of the Board of Probation and Parole

Dr. Mildred M. Bateman, Director, Department of Mental Health

Negro Municipal Political Officeholders in the
Southern Counties

<u>Kanawha:</u>	<u>Charleston</u>	<u>City Councilmen</u>
James C. Campbell	1931-1935 - 1947-1951	1951-1955
J. Roy Edwards	1935-1939 - 1939-1943	
Robert L. Banks	1951-1955 - 1959-1963	1963-1967
Willie Hatch	1955-1959 - 1963-1967	
Atty. Willard L. Brown	1947-1951 - 1951-1955	
Atty. George Howard Mitchell	1955-1959	
Dr. A. L. Harris	1959-1963	1963-1967
John Chappell	1959-1963	
	<u>Cedar Grove</u>	
Dr. James Hopkins	1938-1940 - 1941-1942	City Councilman
Dr. James Hopkins	1918-1925 - 1940-1950	Health Officer
John Dingess	1952-1956	City Councilman
George T. Saunders	1952-1958	" "
Charles Preston	1959-1961	" "
	<u>Cheseapeake</u>	
Floyd Booker	1957-1958 - 1959-1960	City Councilman
	<u>Fayette:</u>	
	<u>Oak Hill</u>	
J. M. Ellis	1921-1922 - 1927-1928	Commissioner of School Lands
	<u>Montgomery</u>	
J. F. Wright	1921-1922	City Councilman
W. C. Morgan	1921-1922	Supt. of Streets
Archie McKinney	1921-1922	Street Commissioner
Thomas Carter	1956-1958 - 1959-1963	City Councilman
	<u>Ansted</u>	
James (Jake) Brandon	1959-1961	City Councilman
James (Jake) Brandon	1962-1963	Recorder

<u>Raleigh:</u>	<u>Beckley</u>	
Charles Jones	1955-1956 - 1957-1958	City Councilman
Hyden Smith	1959-1963	" "
	<u>Lester</u>	
J. A. Lewis	1959-1963	City Councilman
<u>Summer:</u>	<u>Hinton</u>	
Dr. Charles H. Laws	1927-1928 - 1929-1932	City Councilman
<u>McDowell:</u>	<u>Keystone</u>	
H. J. Capehart	1914-1918	Assessor
H. J. Capehart	1921-1924	City Councilman
H. J. Capehart	1921-1924	City Attorney
Tyler Edward Hill	1921-1921	Assessor
Joseph Downs	1921-1922	Supt. of Water Works and Jailer
M. T. Whittico	1921-1928	City Councilman
D. J. E. Brown	1927-1944	Health Officer
Stewart A. Calhoun	1929-1938	City Attorney
James Craig	1943-1961	City Councilman
	<u>Kimball</u>	
Samuel Crider	1896-1945	Treasurer and Town Sergeant
James Board	1921-1928	City Councilman
J. W. Moss	1925-1928	" "
John H. Franklin	1959-1960	" "
Melvin Smedly	1962-Present	" "
	<u>Clark</u>	
Mrs. William Drewery	1925-1928	City Councilwoman
	<u>War</u>	
Stanley Ross	1955-1956	City Councilman
Stanley Ross	1959-1960	City Treasurer and Recorder

<u>McDowell:</u>	<u>Welch</u>		
George Southers	1935-1939	City Councilman	
Leon P. Miller	1938-1950	" "	
Joseph Travis	1949-1961	" "	
Abishi Cunningham	1962-Present	" "	

Bureau of Negro Welfare and Statistics - 1922-1952

West Virginia Blue Books - 1919-1961

The Negro Advisory Council to the State Board
of Education 1919-1932

W. W. Sanders	1919-1920	State Supervisor of Colored Schools	Charleston
Frank H. Jackson	1919-1920	" " " "	Fairmont
T. W. Robinson	1919-1920	" " " "	Northfork
E. L. Morton	1921-1922	" " " "	Beckley
Mrs. Irene E. Moats	1923-1924	" " " "	Clarksburg
William H. Houston	1923-1924	" " " "	Logan
J. Rupert Jefferson	1927-1928	" " " "	Parkersburg
J. Rupert Jefferson	1929-1930	(Chairman)" " "	Parkersburg
W. W. Sanders	1929-1930	(Secretary) " " "	Charleston
Mrs. Irene E. Moats	1929-1930	(Member) " " "	Clarksburg
Brown W. Payne	1931-1932	(Member) " " "	Beckley

Negro Board of Education 1933-1948

Ennis L. Powell	1933-1934	President	Charleston
Ira J. K. Wells	1935-1957	State Supervisor of Negro Schools	Beckley
Ennis L. Powell	1935-1936	President	Charleston
George W. Williams	1937-1938	President	Elkins
D. K. Murry	1938-1939		
	1941-1942	President	Keystone
Ulysses H. Prunty	1942-1943	President	Northfork
Henry Smith Jones	1943-1945	President	Logan
Dr. D. T. Murry	1945-1948	President	Kimball
William L. Lonesome	1945-1947	Member	Charleston

West Virginia State College Bulletin 1919-1947

Report of the Board of Regents--West Virginia 1919-1920

Report of the Board of Education--West Virginia 1932-1934

State Board of Education 1948-Present

W. H. Nelson	1947-1952	Member	Raleigh County
James A. Rowland	1952-1956	Member	Raleigh County
Dr. S. G. Baskerville	1956-Present	Member	Kanawha County
Carl T. Hairston	1957-1958	Counselor	Mingo County
C. C. Carter	1958-Present	Counselor	Mercer County

Division of Negro Schools

W. W. Sanders	1914-1932	State Supervisor	Kanawha County
J. J. K. Wells	1934-1950	State Supervisor	Raleigh County
C. E. Johnson	1950-1952	State Supervisor	McDowell County
J. W. Robinson	1953-	State Supervisor	Logan County
Carl Hairston	1955-1958	State Supervisor	Mingo County

Negro Presidents of State Colleges in the
Southern Counties

Kanawha

Mercer

West Virginia State College

Bluefield State College

J. E. Campbell	1892-1895	Hamilton Hatter	1895-1906
J. H. Hill	1895-1898	R. P. Sims	1906-1934
J. McHenry Jones	1898-1909	H. L. Dickason	1935-1952
Byrd Prillerman	1909-1919	Stephen J. Wright	1953-1955
John W. Davis	1919-1952	G. W. Whiting (Acting President)	1956-1957
W. J. L. Wallace	1952-Present	L. B. Allen	1958-Present

West Virginia Educational Directories 1947-1963.

Biennial Report of the State Superintendent of Free Schools in West Virginia 1932-1954.

Annual Report of the West Virginia Board of Education and the State Board for Vocational Education 1947-1948.

Report of the Bureau of Negro Welfare and Statistics 1921.

Negro Assistant County Superintendents

Earl Smith	1937-1950	Fayette	Fayetteville
Andrew H. Calloway	1937-1948	Kanawha	Charleston
Fred D. Cobb	1937-1938	Logan	Logan
L. A. Watkins	1937-1938	McDowell	Welch
J. S. Saundle	1937-1958	Mercer	Bluefield
John B. Elliott	1937-1960	Raleigh	Beckley
James Cleveland	1939-1963	Logan	Logan
J. B. Carrol	1939-1950	McDowell	Welch
Scott M. Brown	1949-1955	Kanawha	Charleston
Clyde E. Johnson	1953-1963	McDowell	Keystone
William C. Reid	1960-1963	Raleigh	Beckley

Since there are no records kept in the West Virginia State Government on Negroes employed in governmental jobs, the data pertaining to the exact number cannot be ascertained. However, the elimination of race, religion, and national origin on state government application blanks was a contribution of the State Human Rights Commission in 1963.

Since the issuance of Governor Barron's First Executive Order, the number of Negroes presently employed in the state government has multiplied tremendously.

