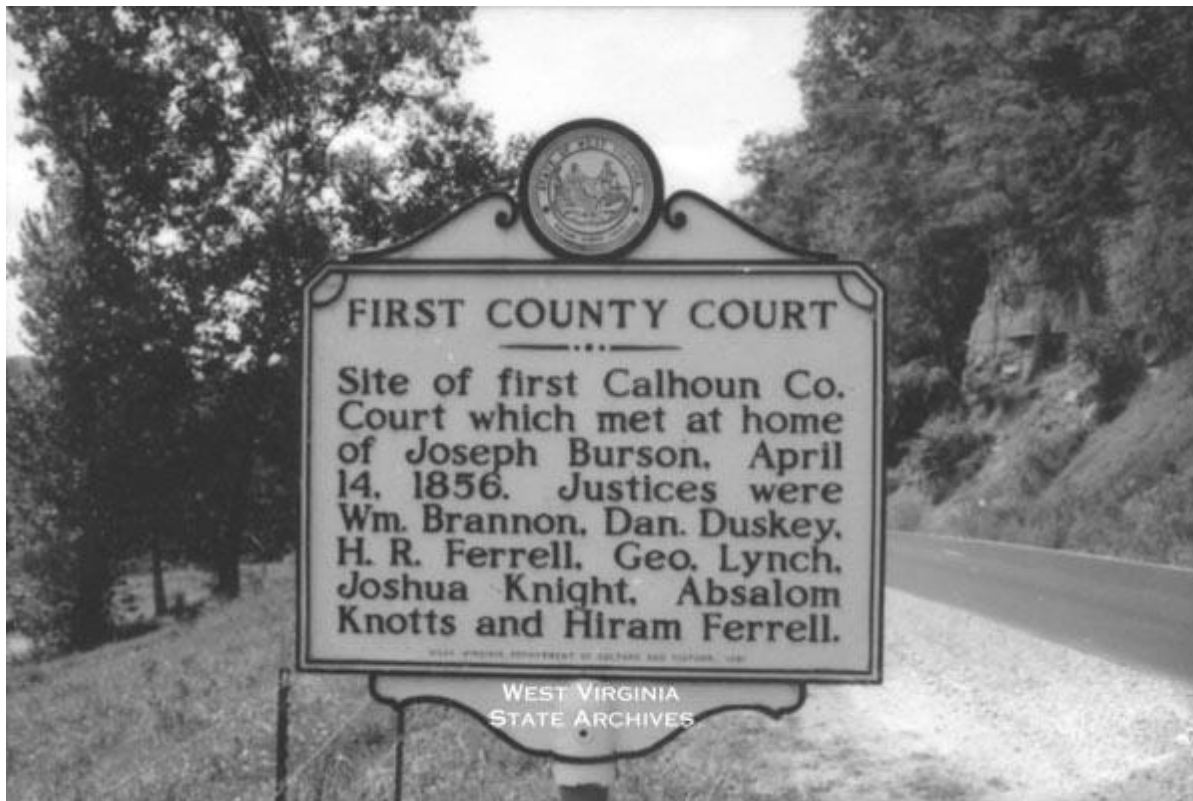


ON THIS DAY IN WEST VIRGINIA HISTORY APRIL 14



On April 14, 1856, the first Calhoun County Court met at the home of Joseph Burson near Bigbend.

CSO: SS.8.14, ELA.8.1

Investigate the Document: (*West Virginia Review*, "The Courthouse Wars," January 1944)

1. Why do you think many counties, including Calhoun County, struggled to establish a county seat? Are there benefits for a town to become the county's seat?
2. What two Calhoun County communities did the county seat frequently reside in during the early years of the county's existence? Where is the county seat of Calhoun County located today?

Think Critically: What can be extrapolated from this article about the early years of Calhoun County? Why is studying the formation of a county's history important?

**"The Courthouse Wars,"
(Part I)**

by Eva Margaret Carnes

***West Virginia Review*
January 1944**

There is a seldom-told story in West Virginia, the story of towns that once served as county seats only to lose their prestige when the courthouses were removed to other locations. It is a story rife with political intrigue, personal feuds, local civil wars when an armed citizenry insisted on removing county records, legal opinions, and appeasement programs. It involves at least two of our State institutions, the locations of which were the results of courthouse arguments. One town, once the county seat, consists today of only one dilapidated brick house. At another, can still be seen the foundations of a pretentious seat of justice which was never completed because another town became the county seat. One courthouse is today a part of a State school. And so it goes. Local politics played a large share, and personal desire for gain helped. Even industrial heads added their bit to this story of "things that might have been." Two of West Virginia's - Virginia's, rather, for this was before the State was divided - former county seats are in Pennsylvania. For a short time, in 1775, the county seat of the District of West Augusta was at Catfish Camp in Pennsylvania. You know the town today as Washington. This vast territory included all of what is now northern West Virginia and much of southwestern Pennsylvania and was a Virginia district. In 1776 the Virginia Assembly divided this territory into three counties, Monongalia, Ohio, and Yohogania. The latter county lay within the present bounds of the state of Pennsylvania and West Liberty became the county seat of Ohio County. Monongalia's county seat, however, was at the farm of Theophilus Phillips, about two miles east of Geneva, Pennsylvania, and Phillips was the county clerk. The county seat, housed in a log barn, remained in this Pennsylvania location until the Mason and Dixon's line was completed, and in 1782 the Assembly ordered the county seat moved into Virginia. Morgantown became, and has remained, the county seat of Monongalia County. Today nothing remains to mark Monongalia's out-of-state courthouse.

West Liberty remained the seat of justice for Ohio County until 1797, when it was included in the territory taken from Ohio to form the new county of Brooke. Wheeling became the county seat of Ohio and Wellsburg won the accolade as county town for the new county. West Liberty settled down to a placid existence after having been the leading town of the State's richest county.

These changes were quiet and were made in an orderly manner. No doubt there were citizens in West Liberty who felt that their town should, by right, have been selected for the county seat when the Assembly created Brooke County. But they took it with good grace and apparently made no protests.

Beverly's story is a different one. Randolph County was formed from Harrison in 1787 and Beverly was laid out for the county seat. Although it was many years before the courthouse was completed, the town was smug in its knowledge that it was the leader of the large county. Churches were established, academies opened, and it was here that the first doctor in the section opened his offices. The bar became a famous one. Brick homes on either side of the main street were in the southern tradition.

Through the Civil War its citizenry held faithful to the cause of the South although the town itself was occupied for much of the time by Union forces. For many years after hostilities had ceased the people of the town met at the horseshoe-pitching lot and talked of "The War." Others in the county sometimes remarked that "Beverly has never surrendered."

But Beverly was out of the line of the march of progress in the industrial development which followed "The War." The major town on the West Virginia Central and Pittsburgh Railway was built near the Leading Creek settlement, five miles north of Beverly, and was named Elkins. The Ekins' and the Davis' built pretentious summer homes on the hills overlooking the new town, which boomed with industry. The Davis' and the Elkins' liked for their towns to be county seats, too.

The first bit of bad luck came in 1892 when the courthouse at Beverly was destroyed by fire. A new one was immediately begun and so was an agitation among the people of the Elkins section. They wanted the courthouse at Elkins. The county officials proceeded with construction and the new courthouse was completed in 1897. But the Elkins enthusiasts demanded an election to determine the site of the county seat. They lost in the first election, for a majority of three-fifths was required, and they appealed to the Supreme Court of West Virginia. They lost a second election, and, according to the county court, a third. The third was appealed to the State's supreme tribunal and the decision of the county court was reversed. Elkins won the courthouse in 1900.

But Beverly and Elkins had not been quiet during this series of elections and court decisions. Feeling between the two towns was bitter. Rumors of armed citizenry marching on the county seat to capture the county records flew thick and fast. Friends in the two towns no longer saw each other and business between the residents came to a standstill. Beverly people stayed at home at night for they felt that that was the safest place. Men who had served in "The War" got the Beverly people together and formed a military company, throwing up entrenchments about the clerk's office. Armed guards stood ready to protect the county's - and Beverly's - public property. Pickets were placed at distances of half-mile intervals for two miles down the Beverly Pike toward Elkins. And then, in 1897, the courthouse was mysteriously burned.

The clerk's office and the records were saved. Beverly still had something to fight for. The feud continued. In the spring of 1900 feeling had reached a breaking point. Elkins patriots chartered a special train to the county seat and more than five hundred Elkins men, armed with every kind of a weapon, waited to climb aboard.

Beverly had not refought the Civil War in vain. Squire John DeWitt, an Elkins magistrate who favored the Beverly side of the question, rode madly into Beverly howling at the top of his voice that "The Hessians are coming." Randolph people had not forgotten the Revolution either. And Beverly rallied round. Armed with muskets that had seen duty in other wars, one hundred and fifty brave men advanced to the old trenches at Mount Iser and took their places where Imboden's men had stood to repel an invasion thirty-nine years before.

But the invasion never came. Older and more level heads in Elkins got together and Judge C. Woods Dailey was appointed to try to discourage the crowd. From the steps of the Elkins National Bank he pleaded with

the crowd. One of his strongest arguments was that there was sure to be bloodshed - and the crowd quietly dispersed.

The train was dismissed, and no doubt there were a number of disappointed men in the trenches at Beverly.

A few days later the decision of the Supreme Court settled the question and Elkins became the county seat. The citizens of Beverly were law-abiding citizens. If the Court said they would lose the courthouse, all well and good. It would be peaceably done. But they still knew that the Elkins people couldn't take their records from them by force.

Huntersville, in Pocahontas County, too lost the county seat to the industrial forces of the section. Maybe Huntersville lacked the fighting traditions of Beverly for she lost her courthouse by election and without raising a single musket.

Marlinton, with promises of a coming railroad, made her bid for the county seat in 1891 when an election was held to determine the site of the courthouse. Marlinton won in spite of the fact that Huntersville had been the county town since the county was established in 1821. Huntersville protested and demanded another election, hoping to bring the seat of justice back home again. This election was held in 1894 but it was a lost cause. Marlinton was again the victor. And like the others, Huntersville settled into a quiet village, but a village with remembrances of past glories.

Calhoun's county seat spent its youthful days in traveling. The county was organized April 14, 1856, at the home of Joseph W. Burson at Pine Bottom and meetings were held here through August. Then it was moved to a "residence near Peregrine Hays," according to the records. Peregrine Hays was the big-time politician of the county and together with Absalom Knotts, the senior justice of the county, had things pretty much his own way. And Peregrine lived at Big Bend. But there was some revolt against his authority, for in May of 1857 an order was entered to move the court to the store of Betts and Stalnaker, and at least one meeting was held here. The following day Hays supporters rallied and the order was rescinded. The next two meetings of the court were devoted to acquiring two acres of land and having a courthouse built. This frame structure cost \$675 and the first term of court was held there in September.

There was dissatisfaction in the ranks. The June term of court in 1858 was held "at a house in Arnoldsburg" and an agent was appointed to rent the county property at Big Bend. A year later Hays was still fighting for the former location and an order was entered to purchase an additional acre of land from Hays adjoining the Big Bend courthouse. The next day the order was rescinded and plans went ahead for the construction of a courthouse at Arnoldsburg. It was to be a pretentious affair and the plans for the Wirt County courthouse were being used. But for some reason - the county paid the contractor several thousand dollars - it never progressed beyond the foundation stage and court continued to meet in a rented house.

Court records are missing for the period of 1861 to 1868 so the story of this migratory court must be told from tradition. Early in the Civil War the court moved to Grantsville and a courthouse was erected, only to be destroyed by fire before the court could occupy it. Then came the board of supervisors, replacing

the county court under the new constitution of the State of West Virginia. This board met for sometime at Old Bethlehem Church and then returned to Grantsville where a courthouse was constructed.

But all was not quiet in the courthouse question. At the meeting of the board in March it was ordered that a guard be employed to protect the courthouse "from fire at night." At the same meeting it was ordered that the seat of justice be moved back to Arnoldsburg, in compliance with a legislative enactment which repealed a previous enactment and placed the courts at the same point where they had been held at the beginning of the Civil War. The next day the order was rescinded and the board defied the Legislature and remained in Grantsville. They did, however, order an election to be held in October to determine the location of the courts. But their defiance was short lived and in August they met in Arnoldsburg, the records having been hauled there by A. M. Campbell. In October they were back in Grantsville. Then in November they were back in Arnoldsburg.

Although a group of citizens protested the result of the election, which gave the county seat to Grantsville, the board ordered the removal of the records to the courthouse and Grantsville at last became the permanent home of the migratory offices. Today the remains of the foundation of Calhoun's courthouse at Arnoldsburg stand as a memorial to its days as the county seat.