



MCDOWELL COUNTY COURTHOUSE

County courthouse a significant site in state's historic mine war.

In 1888, Captain Isaiah Arnold Welch, a pioneer geologist and coalfield developer, paid \$1 an acre for a 100-acre tract of land at the confluence of the Tug River and Elkhorn Creek in McDowell County. To seal the deal, he threw in his sorrel mule. In 1891, the Norfolk & Western Railway reached his property and a year later the settlement that had grown up at the site was declared the McDowell County seat. The town of Welch was incorporated in 1894, and construction was begun on a courthouse.

McDowell County, the southernmost county in West Virginia, was created by an act of the Virginia General Assembly on February 28, 1858, from part of Tazewell County, Virginia. The county was named in honor of James McDowell, the 25th governor of Virginia.

The first settlers in what today is McDowell County were Mathias and Lydia Harman, who built a cabin along the Dry Fork about 1802. In 1829, William Fletcher began farming 20 acres of land at the site of present-day Welch. Settlement was slow, due to the rugged terrain. In 1860, there was a population of only 1,535 people in the new county.

Apart from sporadic guerrilla warfare, the Civil War passed by McDowell County. Nonetheless, McDowell had been founded on the eve of war, and

the unsettled conditions hindered the orderly commencement of county affairs. The notion of the "free State of McDowell," later a popular motto in the county, originated during this unruly, free-wheeling period.

Asked about the motto, Circuit Judge Booker T. Stephens, a McDowell County native, said he thinks it effectively defines McDowell Countians as "independent people who believe in expressing their views."

For years, citizens with varying views battled over the site of the county seat. Between 1858 and 1872, the county court met at various places. In 1872, the county seat was located at Perryville (now called English), the largest town at that time. Two decades later, the county seat controversy arose again. The population around Welch had increased significantly with the arrival of the N&W Railway. McDowell Countians voted to move the county seat to Welch in 1892, amid allegations of fraud. Violence seemed imminent, but James A. Strother and Trigg Tabor secretly moved the county records to Welch, where the county seat has remained to this day.

When the county government was moved to Welch, it used the Hutson Brothers' saloon as a makeshift courthouse until May 1, 1896, when the present structure was completed. The courthouse was

By James E. Casto

McDowell County Law Day Deemed 'Best In the State'

Speaking to a packed crowd of school children and others at the McDowell County Courthouse, the Hon. Brent B. Benjamin, justice of the West Virginia Supreme Court of Appeals, labeled the county's annual Law Day celebration "the best Law Day in the state, far and away."

Benjamin was guest speaker at the courthouse May 1, 2015, for the county's 19th annual observance of Law Day.

"Each year we invite either a sitting or retired Supreme Court justice to be our guest speaker," said Circuit Judge Booker T. Stephens. He and Judge Rudolph J. Murensky II are the co-hosts for the annual celebration.

"Law Day each year has a theme, and we try to involve the youngsters by getting them to do posters and essays in line with the theme for the year," said Stephens.

The year's theme was the Magna Carta, and students from throughout the county submitted posters and essays celebrating the 800th anniversary of that historic document. Signed by England's King John in 1215, it provided the framework for this country's Bill of Rights.

"It really is fun to come down here," Benjamin told the crowd. "These posters are great! To see a courtroom transformed into this, it's a living, breathing example of what Law Day is all about."

Law Day was proclaimed by President Dwight D. Eisenhower in 1958 as a day to reflect on the rule of law in the founding of our country and to recognize its importance for society.

designed by Frank Pierce Milburn (1868-1920). Then only 25 years old, Milburn would go on to become one of the leading Southern architects of his day.

In his "Buildings of West Virginia," architectural historian S. Allen Chambers labels Milburn's design "one of West Virginia's most imposing courthouses."

Located on Wyoming Street hilltop between Bank and Court streets, the McDowell courthouse offers a commanding view of the town around it. Its core structure is a Romanesque Revival design with a soaring tower. In 1909, an addition was built on the north side of the structure, also in a Romanesque design. Later, more modest additions were built on the south (1963) and north (1979).

Inside, an original cast-iron stairway leads to the courtroom, which occupies the entire upper floor of the original section of the courthouse. The old cast-iron stairs have witnessed their share of history, but nothing to equal an event that occurred outside, on the front steps of the courthouse.

In 1920, Sidney "Sid" Hatfield, the police chief in the town of Matewan, sided with miners being organized by the United Mine Workers. On May 19, Baldwin-Felts detectives hired by the coal operators evicted several miners from their company-owned homes because they had joined the union. Hatfield and a crowd of angry miners confronted the hated detectives. The famed "Matewan Massacre" resulted, a shoot-out in which seven detectives, two miners and Mayor Cable C. Testerman were killed. Hatfield survived unharmed and instantly became a hero to the miners.

In early 1921, a local jury acquitted Hatfield and 17 others of murder charges arising from the shoot-out. On Aug. 1, 1921, Baldwin-Felts detectives shot Hatfield and his friend Ed Chambers to death in a hail of bullets as the two, with their wives on their arms, approached the McDowell County Courthouse.

The Matewan Massacre and the subsequent murders of Hatfield and Chambers are often cited as the opening acts of the West Virginia Mine War of 1920-21, which escalated into an armed conflict involving thousands.

Over the years, Welch grew to become a major civic, commercial, banking and entertainment center for the rapidly developing coalfields. In 1920, as the coal industry continued to grow, McDowell, with a population of 68,571, ranked as West Virginia's third most populous county, and claimed to produce more coal than any other county in the nation.

The county's native-born population wasn't large enough to supply the workers the new mines needed, so coal companies recruited immigrants from southern and eastern Europe and blacks from the American South. As a result, McDowell became a highly diverse county.

The county has been home to a number of notable people, including Gov. Henry D. Hatfield, entertainer Steve Harvey and Jeanette Walls, author of "The Glass Castle," a memoir that's partly set in Welch. The county's coalfields garnered national attention with the publication of Homer Hickam's 1998 book, "Rocket Boys," and the subsequent film "October Sky."

A remodeled school building said to have been the nation's first memorial to the dead of World War I was dedicated in Welch in 1923. The building was destroyed by fire in 1979.

McDowell County was also the scene of the first memorial erected to honor the black Americans who fought in World War I. Erected in 1928 on a hill in the little community of Kimball, it long served as a community center for people of all races. The building was abandoned in the 1970s and its interior gutted by a fire in 1991. It has since been restored and again is used as a community center.

As the county boomed with the coal industry, so it has suffered with the industry's decline, with the

mechanization of coal mining, McDowell's population peaked in 1950 and then began decades of decline. In 1950, Welch had 6,603 residents. By 2010, as coal mining jobs continued to disappear, that figure had fallen to 2,406. At the same time, the county's poverty rate has soared. By most measures McDowell is the poorest county in West Virginia.

In recent years, various citizens group and public officials have worked to rebuild the county's economy. One such effort, Reconnecting McDowell, is seeking solutions to the county's complex problems – poverty, underperforming schools, drug and alcohol abuse, inadequate housing, limited medical services and inadequate access to technology and transportation.

"There's light at the end of the tunnel," says Judge Stephens, "It's dim, but it's there. We've got a long way to go, but we're moving in the right direction." **WVLT**

James E. Casto is the retired associate editor of *The Herald-Dispatch* and the author of a number of books on local and regional history.

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Patti works hard for the people of Charleston and West Virginia litigating in the fields of workplace injury and occupational disease, including mesothelioma and other asbestos-related diseases.

A longtime member of the Charleston community, Patti has served in a number of legal roles including as a trial attorney for the WV Division of Highways; Special Prosecutor for the Office of Fraud Prosecution, WV Insurance Commission; and sole practitioner focusing on personal injury, family law and animal law.

We are proud to welcome Patricia J. Lawson to Motley Rice, joining Anne McGinness Kears, John D. Hurst and our other attorneys and staff in working with our valued WV co-counsel.

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