

Harrison County Loses Land to a New County

The land of Harrison County, as stated in the 1784 legislative bill which made the county, started in the east at the Maryland state line north of Aurora (W.Va.) and ran west to the Ohio River. The southern boundary of Harrison County was a line that cut through the center of the present state of West Virginia south of what in 1983 are the counties of Braxton and Calhoun.

In a day when a voter must travel over primitive roads from his home to the county courthouse to speak aloud the names of his favorite candidates as a commissioner recorded the vote in a poll book, a land mass as large as Harrison County in 1784 could not last long. The Virginia Assembly authorized the formation of Randolph County in 1786; Wood, in 1798; Lewis, in 1816, all from land included in Harrison County in 1784. A law passed by the Virginia assembly in 1838 stated that a new county would exist after people concerned petitioned the assembly, posted a notice of the petition sixty days before a proposed election at which if the citizens in the county or counties involved voted favorably, the certified result would be sent to the Virginia Assembly which would then pass an act forming a new county.¹ By 1860 a total of seventeen counties had been formed wholly or partly from Harrison County.²

Until 1850 government in Virginia on the county level was a self-perpetuating oligarchy. When the assembly authorized formation of a new county, named in the legislative bill was a group of citizens to be justices who would meet to organize the government of the new county. Then these justices recommended names to the governor from which the chief executive officer of the state appointed the sheriff and new justices to the county court. The people at elections cast ballots only for members of the Virginia Assembly, which chose the governor; for the president and vice president of the United States; and for members of the United States House of Representatives. The county court appointed officers needed to do the work in county government such as coroner, deputy sheriffs, overseer of the poor, etc.

County courts, by custom, recommended the justice with the longest tenure in office to the governor for the sheriff of the county; and when forming a new county, the site of the organizing meeting, as cited in the authorizing legislation, usually was the home of the most powerful political figure within the boundaries of the new county.

The personal papers of William F. Randolph (1800-1861), which came to light in 1982³, include documents connected with Randolph's work as a justice in Harrison and Doddridge counties and as a sheriff in Doddridge County. They reveal some of the nitty-gritty of the transition when a young county moved from an older political entity to act on its own.

William Randolph took the route to success followed by a high percentage of the bright, ambitious young men on the frontier. He learned to survey and by 1825 received payment for work from Thomas Haymond, principal surveyor of Harrison County. From 1826 to 1835 Randolph surveyed for Lewis Maxwell. Circa 1836-1840 Randolph must have been deputy surveyor in Harrison County for at the bottom of a record of an account with Thomas Haymond for 1836, 1837, 1838, Randolph wrote: "Mr. Haymond, you will see by the above that I have received some fees for you since I sent you the last account. William F. Randolph, February 20, 1839."⁴ William Randolph owned land and a house on Greenbrier Run of Middle Island Creek⁵ four miles south of Salem, the town where his father Jonathan Randolph lived on a farm given him by William's grandfather Samuel Randolph, founder of Salem.

William Randolph at the close of 1840 had been married eighteen years, had twelve children, ran a farm, and was so occupied with affairs that he no longer had time to survey. His father for years had been a justice in Harrison County. June 21, 1841, the justices meeting in Clarksburg recommended "William F. Randolph [and six others] as fit and suitable to be commissioned as justices of the peace for this county."⁶ Randolph on September 20, 1841, "appeared in court and took the several oaths required by law"⁷ to be a justice of the Harrison County Court.

William Randolph began immediately to sit in judgment at his home on Greenbrier Run on suits brought to him. He sent messages to constables to issue warrants to individuals, a typical one being:

Harrison County to wit

To Stephen C. Davis constable

A list being returned by John L. F. Randolph under oath that Harrison Hursey⁸ failed to attend when notified to assist with proper tools in repairing the road whereof the said Randolph is surveyor on the 3 day of October 1844 contrary to the act of the general assembly.

These are therefore to require you to summon the said Harrison Hursey to appear before me or some other justice of the peace at the House of William F. Randolph on Greenbrier Run on the 28th day of the month to answer the _____ [?]. Given under my hand this 19th January 1845. Wm. F. Randolph, J. P.⁹

William Randolph traveled to Clarksburg on county court days and on days when he was a witness at other courts, for the clerk of the Circuit Superior Court of Law and Chancery, Spring Term 1844 ordered "that . . . pay to Wm. F. Randolph four dollars and twenty-four cents for 2 days' attendance at this term, three days at Spring Term 1843 and three days at Fall Term 1843."¹⁰

In 1843 Captain Nathan Davis¹¹, an uncle by marriage of William F. Randolph, was sheriff of Harrison County. Captain Davis in 1843 lived in a brick house on part of the 20,000 acres which his father Nathan Davis, Sr., had purchased on the south side of Middle Island Creek in 1807 and land most of which had been sold soon after the purchase to Lewis Maxwell.¹² In 1837 Captain Davis began to buy acres and lots in addition to those he owned around and in the village of Lewisport.¹³ And circa 1843 Captain Nathan Davis's son-in-law Ethelbert Bond, who

was a Ritchie County surveyor and medical doctor¹⁴, laid out the streets of a town to be known as "West Union" rather than "Lewisport".¹⁵ It made sense to Sheriff Davis and to others for those living in the western portion of Harrison County on waters that flowed toward the Ohio River, rather than to the West Fork River, to form a new county. They petitioned the Virginia Assembly December 4, 1844:

To the General Assembly of Virginia:

We your petitioners, citizens of the counties of Harrison, Tyler, Ritchie and Lewis, would represent to your honorable bodies that we are labouring under many inconveniences by having to travel many of us thirty, and some forty miles to our respective county seats. We would humbly pray your honorable bodies to pass a law establishing a new county out of parts of the counties of Harrison, Tyler, Ritchie, and Lewis counties. The seat of justice to be at West Union in the now county of Harrison, a village situated on the Northwestern Turnpike thirty miles west of the courthouse of Harrison County, twenty-three miles from the courthouse of Tyler County, twenty-two miles from the courthouse of Ritchie County, and forty miles from Weston, the county seat of Lewis County. Your petitioners would further represent to your honorable bodies that we took the vote of the citizens residing in the proposed new county at the last spring election for members of the house of Delegates in pursuance of the act of assembly after having give [sic] the legal notice at the several courthouses of the counties from which the proposed new county is to be formed. And as in duty bound we will Ever Pray, etc.¹⁶

On February 4, 1845, the Virginia Assembly passed an act whereby a portion of the counties of Harrison, Tyler, Ritchie, and Lewis would form a new county called Doddridge County. The assembly named the ten justices in the four counties from which Doddridge was formed, and all of them residents of the new county of Doddridge, as justices in Doddridge County with the date they had been commissioned as justices to determine their seniority. They were authorized to meet at the home of Nathan Davis in West Union "on the Thursday after the second Monday in April next to appoint necessary officers and make plans for necessary buildings to be erected in West Union, the designated county seat."¹⁷

The assembly let geography determine boundary lines between Harrison County and the new county. Thus the county line in the western portion of present Harrison County is at the headwaters of streams that flow to the West Fork River, a designation that leaves the City of Salem and its environs surrounded on three sides by Doddridge County whose land area is one of the largest in the present state of West Virginia.

At the April 17, 1845, meeting of the court at West Union, the ten justices recommended to the governor Nathan Davis as the proper person for sheriff. They named Clarksburger U. M. Turner as prosecuting attorney, and William F. Randolph as one of the school commissioners in the part of the county "formed from Harrison."¹⁸

At the 1845 June term of the Doddridge County Court the justices showed their independence from Harrison County by a refusal to accept a claim from the county clerk of the mother county: "Eli Marsh produced a claim for a copy of the book of the Commissioner of Revenue of the County of Harrison for the year 1844 which he was instructed by law to furnish as clerk of said county to commissioners of the several precinct elections in said county and which said copy said Marsh furnished to the previous election held in the house of Ephriam Bee in the Town of Lewisport [West Union] which formed a part of the County of Harrison at the passage of said law and asked the Court to make him an allowance for the same. . . Court, being of the opinion that they were not bound by the act of assembly to levy for said claim, refused to make said Marsh the allowance. . . as they were of opinion that claim was properly charged to the County of Harrison."¹⁹

During 1845 many of the names in records of the Doddridge County Court were those that had appeared in Harrison County records a few years earlier. Most all the lawyers who were admitted to practice in Doddridge County Court were from Clarksburg.²⁰ The court commissioned Nathan Davis to build a jail; it chose a public square to contain county buildings "near the southeast corner of Nathan Davis's house"²¹; it appointed William F. Randolph and Ethelbert Bond "to examine Nimrod Dent and William Jeffrey as to their qualifications for deputy surveyors."²² Matthew Neely, former Harrison County justice, presented in March 1846 a commission from the governor certifying Neely as the new sheriff of Doddridge County.²³

At the March 1847 term of the Doddridge County Court "William F. Randolph produced a commission from the governor, bearing the date February 1847, naming Randolph to execute the office of sheriff until the first quarterly term of this court for the year 1848."²⁴ The new sheriff appointed Frederick T. Harrison and Neely D. Jeffrey to be deputy sheriffs.²⁵ During Randolph's term the court ordered repairs to the courthouse, located the offices of the county clerk and of the clerk of the Circuit Superior Court in the small house property of Nathan Davis and ordered William Prim to furnish plans and specifications for a new courthouse.²⁶

The formation of Doddridge County demanded rearrangement of the regiments of Virginia militia in which every male citizen of the state had to serve. Men in the portion of the new county which had been within the jurisdiction of Harrison County had enlisted for decades in the eleventh regiment of the twentieth brigade of the Virginia militia.²⁷ Now a new regiment must be designated for the new county.

William Randolph was informed as to the militia, for with his papers is a receipt dated September 11, 1836: "Received of W.F. Randolph the following military books: Military Laws, Abstract of Infantry Tactics and the Revised Militia Law. David D. Davis."²⁸ Randolph was a fit man for clerk of the new regiment.

The state must have been slow in assigning the 180th regiment to Doddridge County for a letter from the adjutant general of Virginia militia on August 28, 1848, was addressed to "Captain P.F. Randolph, 11 Rgr., West Union, Doddridge." The next month on September 20, the same adjutant general addressed a letter to "Captain David D. Davis, 180 Rgr., West Union, Doddridge."²⁹

William F. Randolph, as clerk for the 180th regiment, wanted to set up books correctly. He went to Harrison County for a pattern to follow in writing forms. Someone gave him a list of the fines assessed in the 11th regiment for 1843 at the end of which is written: "Received the 1st day of May 1844 of Waldo P. Goff, clerk of the 11th regiment, sundry tickets for militia fines assessed in said regiment for the year corresponding with the foregoing list and amounting to eighty dollars and twenty-five cents which I am to collect and account for according to law. F. A. Werninger, D.S., for N. Davis, S.H.C."³⁰ On the same sheet of paper Clerk Randolph wrote out the notation he would make at the end the list of fines to be handed Doddridge County sheriff to use in making out tickets for those who missed militia drills. His papers contain militia tickets of the 180th regiment for 1849 through 1853.³¹

As a justice of the peace William Randolph did not need to borrow a form to follow as a pattern in his work. He used the printed forms issued by Harrison County on which he scratched through the word "Harrison" and wrote above the word "Doddridge." (On two of the forms issued in 1857 he did not bother to change the word "Harrison".) Fifty-eight of the forms printed for Harrison County and used by Doddridge County justices and constables (most of them to collect small sums for store or inn keepers) are among William Randolph's papers. Two times after 1845 the Harrison County forms changed as to size of print and color of paper. Still Doddridge County justices continued to use them.

The following are photographs of warrants, one issued by William F. Randolph summoning Wm. S. Stout to appear at "my residence" in 1858 and one issued by Archibald Lowther summoning Steven Hughes to appear at G. W. Snider's Store in 1860. Both of them are Harrison County forms.

The Commonwealth of Virginia, To *Shm B Davis* CONSTABLE OF ^{*Doddridge*} ~~HARRISON~~ COUNTY:

I HEREBY COMMAND you to summon *Wm S Stout*

if to be found in your district, to appear at *my residence* in the said county, on the *2 Tuesday* of *March* 1858 before me or such other Justice of the said county, as may then be there to try this warrant, to answer the complaint of *W. F. Randolph* upon a claim for money not exceeding fifty dollars, exclusive of interest, to wit: the sum of *five* dollars and *00* cents, due by *Wm S Stout* and have then there this warrant.

Given under my hand, this *21st* day of *February* 1858

Wm F Randolph J. P.

the March

The Commonwealth of Virginia, To *C. Pearey* CONSTABLE OF ^{*Doddridge*} ~~HARRISON~~ COUNTY:

I HEREBY COMMAND you to summon *Steven Hughes*

if to be found in your district, to appear at *G. W. Snider's store* in the said county, on the *3 Friday* of *January* 1860 before me or such other Justice of the said county, as may then be there to try this warrant, to answer the complaint of *H. M. Miller* upon a claim for money not exceeding fifty dollars, exclusive of interest, to wit: the sum of *three* dollars and *75* cents, due by *H. M. Miller* and have then there this warrant.

Given under my hand, this *17* day of *Jan* 1860

A. Lowther J. P.

Even though the eastern portion of present Doddridge County came under the laws of a new county after 1845, the William Randolph papers reveal almost no change in the economic and trade habits of the people. They purchased supplies and borrowed money from Clarksburgers; but that story must await another study.

The Randolph papers attest to a fact that the organizers of Harrison County knew in 1784: "You cannot beat geography." So in 1784 the first justices of Harrison County chose Clarksburg, rather than the site where they were sitting in July 1784 near the Buckhannon River, for a county seat. They could foresee that Clarksburg, because of its geographic location, would be the distribution center and the financial center for all of the north-central portion of Western Virginia. Even though the county over which the first justices presided would be chopped into pieces, those pieces, most of them, would still in the future lean toward the county seat the first justices chose.

FOOTNOTES

1. Albert Ogden Porter, County Government in Virginia, p. 158.
2. Edgar B. Sims, Making a State, "Index to Counties", pp. xx, xxi.
3. Preston Randolph (1836-1919) stored the papers in the attic of his house in Salem, W. Va., after he had settled the estate of his father, William F. Randolph, in the 1870's. Ray Randolph, son of Preston Randolph, inherited the house, where Ray and his wife lived. The wife of Ray Randolph conveyed the house to Francis M. and Pauline Swiger July 25, 1956. The house was razed in 1965. Harrison County, W. Va. Deed Book 781, p. 544; 905, p. 437. Mrs. Pauline Swiger brought the papers to Dorothy Davis in 1982.
4. William F. Randolph papers.
5. William Randolph bought on Greenbrier Creek 76 $\frac{1}{2}$ acres November 9, 1827; 200 acres December 21, 1834. Harrison County, Va. (W. Va.) Deed Book 18, p. 537; 23, p. 273.
6. Harrison County, Va. (W. Va.), Court, Order Book 1839-1841, p. 402.
7. Ibid., 1841-1843, p. 67.
8. Harrison Hursey (1818-1883) was a driver for the stagecoach line which ran on the Northwestern Turnpike from Parkersburg through Salem, Clarksburg, and Bridgeport to Romney. He lived in Salem and is buried in the Seventh Day Baptist Church Cemetery in Salem. The Salem Herald, Historical and Industrial Review of Salem, W. Va. 1905. W. Guy Tetrick, Cemetery Records.
9. Randolph noted on John L. F. Randolph's record of Hursey's failure to work the roads: "payment rendered for 2 days' failure \$1.50; costs \$.30." William F. Randolph papers.
10. William F. Randolph papers.
11. Nathan Davis received his captaincy during the time he served in the War of 1812. Susie Davis Nicholson, Davis "The Settlers of Salem, West Virginia" p. 22.
12. H.H. Hardesty & Co., Hardesty's Historical and Geographical Encyclopedia. . . reprinted by Jim Comstock, ed., The W. Va. Heritage Encyclopedia, supplemental series, Vol II, p. 6.
13. Captain Nathan Davis bought 300 acres in 1837 "adjoining bridge on Middle Island Creek"; two lots with a house adjoining the Northwestern Turnpike on Main Street in Lewisport (West Union) in 1842; and 100 acres "with exception of what has been conveyed out being town lots in West Union" in 1843. Harrison County, Va. (W. Va.) Deed Book 20, p. 12; 25, p. 394; 31, p. 308.
14. Reverend Thomas A. Bond, The Richard Bond Family in America, pp. 63-4.
15. Hardesty's, p. 6. Lewisport had been named for Lewis Maxwell. Hamill Kenny, West Virginia Place Names, pp. 669-70.
16. Virginia, General Assembly, "Legislative Petitions", Harrison, Lewis, Ritchie, Tyler counties, Manuscript Division, State Library of Virginia, Richmond, Virginia. Several copies of the December 4, 1844, petition, each with a different group of signatures, are in the State Library of Virginia. Ibid.
17. Virginia, General Assembly, Acts 1845, pp. 42-3. West Union was incorporated in 1850. Ibid. 1850, pp. 213-16.
18. Doddridge County, Va. (W. Va.), Court, Minute Book No. 1, 1845-50, pp. 2, 3.
19. Ibid., pp. 12, 13.
20. Doddridge County Court admitted the following attorneys in 1845, 1846, 1847 to practice in Doddridge County: Arthur S. Boreman, Charles Lewis, Gideon D. Camden, William A. Harrison, Burton Despard, James M. Jackson, Joseph Moore, and Thomas W. Harrison. Doddridge County, Va. (W. Va.), Court, Minute Book No. 1, 1845-50, pp. 17, 42, 75, 76, 88, 93.
21. Ibid., pp. 15, 59.
22. Ibid., p. 18.
23. Ibid., p. 43. Neely certified as a justice in Harrison County Court Oct. 21, 1833. Harrison County, Va. (W. Va.), Court, Order Book 1832-1837, p. 155.
24. Doddridge County, Va. (W. Va.), Court, Minute Book No. 1, 1845-50, p. 117.
25. William A. Harrison, Charles Lewis, and Franklin Maxwell went bond for Frederick Harrison who would "collect all levies, poor rates and all fines. . . and revenue due the Commonwealth. . . and pay all accounts." Neely D. Jeffrey, Joseph Jeffrey, and John Dotson went bond for Neely D. Jeffrey assigned to act as jailor and custodian of the courthouse. The new sheriff agreed "to let the said Neely D. Jeffrey have all the interest arising from the services appertaining to the jail. . . and in consideration of these benefits the said Neely D. Jeffrey agrees to pay the said William F. Randolph seventy dollars." William F. Randolph kept a record of the sum he owed Jeffrey for meals and horse feed in 1847-48 and at the end of the account wrote: "have paid him [Jeffrey] all the public allowances made to the jail while I was sheriff of Doddridge County. W.F.R." December 25, 1862, N. D. Jeffrey, whose wife was a niece of W. F. Randolph, presented the administrator of the William F. Randolph estate a bill for \$43.83 for "services rendered as jailor from June 15 - Dec. 16, 1847". The estate settled the account Feb. 23, 1863. William F. Randolph papers.
26. Doddridge County, Va. (W. Va.), Court, Minute Book No. 1, 1845-50, pp. 133, 152, 213.
27. Dorothy Davis, History of Harrison County, W. Va., pp. 206-7.
28. William F. Randolph papers.
29. Ibid.
30. Ibid. Written on the outside of the 1843 list of militia fines submitted by W. P. Goff is the notation: "collected in 1844; 9 May 44 copy sent to auditor." Ibid.
31. William F. Randolph papers.
32. Ibid.

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