



# West Virginia Historical Society Quarterly

Volume XXIII, No. 1, January 2009

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## ROMEO H. FREER 1845-1913

By  
Kenneth R. Bailey, Editor  
*WVHS Quarterly*

Romeo Hoyt Freer is just one of many once prominent West Virginians who have warranted little mention in published works. However, during their lifetimes, individuals such as Freer were surely known to virtually all people in the state. Freer was elected to a number of offices - United States Congressman, prosecuting attorney, state delegate, judge and attorney general.

Freer was born in Trumbull County, Ohio, November 9, 1845, the youngest of six children of Josiah and Caroline Brown Freer. He received a rudimentary education in Ashtabula County, where he grew up, and then attended Grand River Institute. (1)

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1 Minnie Kendall Lowther, *History of Ritchie County*, 1970.



HON. ROMEO H. FREER.

(Photo Courtesy of WWSA)

Still in his teens at the outbreak of the Civil War, Freer enlisted in Company G, 86<sup>th</sup> Ohio Volunteer Infantry on July 14, 1863. He was eventually promoted to the rank of Corporal and served in that unit until discharged, due to illness, on February 10, 1864. He then enlisted in

Company A, 171<sup>st</sup> Regiment Ohio National Guard on May 5, 1864. During his period of service with the 171<sup>st</sup> he was assigned to guard Confederate prisoners at Johnson's Island in Lake Erie. He was discharged at the expiration of his 90 day enlistment on August 20, 1864 and returned to his home in Warren, Ohio until March 1866 when he moved to Charleston, WV. (2) In Charleston he taught school while studying law with the law firm of John Cracraft and Benjamin H. Smith. He was admitted to the bar in 1868. Freer served as Prosecuting Attorney for Fayette and Boone Counties and, simultaneously, as Assistant Prosecutor for Kanawha County from 1868 to 1870. He was elected Prosecuting Attorney of Kanawha County in 1870. (3)

Freer's Civil War ailments (described as diarrhea and catarrh) continued to affect him and became so severe that by 1872 there was some doubt that he would survive. That year, his friend George W. Atkinson and others, believing that a move to a warmer climate would be beneficial, secured Freer's appointment as Consul to Nicaragua from President U. S. Grant. According to Freer's pension records, he served there from March 1872 to August 1876. (His official Congressional Biographical Directory lists his service as commercial agent to San Juan del Norte, Nicaragua, January 15, 1873 to January 1877.) The warm climate helped Freer recover his health, and after four years, he was greatly improved. He returned to West Virginia where he once again took up the practice of law. (4)

Back in Charleston, Freer was recruited to help persuade state voters to

2 Romeo H. Freer and Mary Freer Pension Files, #856699, #766681, NARA, Washington, D. C.

3 George W. Atkinson, *Bench and Bar of West Virginia*, 216-217, and Lowther, *History of Ritchie County*.

4 Freer Pension file and Atkinson, *Bench and Bar*; www.bioguide.congress.gov.

select Charleston as the permanent Capitol of West Virginia. In 1902, the *New York Times* published an article about how Freer and John E. Kenna became associated with the effort.

#### SPEAKING TOUR WITH CIRCUS

(*New York Times*, December 28, 1902 reprint of an article from the *Washington Times*)

*The late Senator John E. Kenna's statute reminds me of how that distinguished man first became known politically, remarked a Senator from West Virginia as he passed through the Hall of Fame the other day at the Capitol. (Ed. Note: West Virginia's two senators in 1901 were Nathan B. Scott and Stephen B. Elkins)*

*How is that, Senator?*

*Well, it was back in the early seventies. (Ed. Note: It had to have been the late seventies since the 1877 WV Legislature authorized the vote for the new capitol.) Kenna then was a young attorney, living in Charleston, West Va. He had just hung out his shingle, and I doubt if he possessed a single client. Ex-Congressman Romeo H. Freer, now Attorney General of West Virginia, had an office across the hall from Kenna. I don't think he had one more client than his brother in the profession.*

*The two became warm friends quickly, for they had lots of time to visit each other. At the time there was a hot fight on between Wheeling and Charleston as to the location of the State capital. Wheeling possessed that honor and Charleston wanted to wrest it from her. The question was to be decided at the next meeting of the State Legislature, so both sides entered into the campaign on that issue alone. (Ed. Note: It is more likely that Freer became involved after the Legislature decided to submit the decision on location of the capital to the voters in a referendum.)*

*Speakers were sent out through the State. Kenna and Freer, not being busy, the citizens of Charleston hired them to make a joint canvass of the lower portion of the State. When about to start, John Robinson's circus arrived. At that time it traveled overland, and, by the way, it was one of the first circuses to enter the State. Anxious to have big crowds, the thought struck Kenna that it would be a good scheme to travel with the circus and address the crowds at each point of exhibition. A conference was held and a special committee was sent to Cincinnati to make an agreement with the management of the show. For \$1,000, Robinson agreed to give the speaker the use of the tent each afternoon for an hour for three weeks and not to feed the animals until the speaking was over.*

*Kenna and Freer joined the circus at Huntington. Of course their meetings were largely attended, for every person wanted to see the animals fed. I won't vouch as to the number of animals, but it is said the menagerie consisted of a black bear, a lion, a tiger and two camels. The young lawyers were orators, however, and the people were carried away with their appeals for Charleston as the proper site for the capital.*

*Of course the speakers had to make the best of the trip, and as no traveling accommodations had been provided, they slept in the band wagon under a lot of canvas. They were young and healthy, however, and enjoyed the novelty of the trip. Neither was a millionaire, and each possessed but the suit of clothes he wore on the trip.*

*One night the show was going from Logan Court House to Madison. The road was over three mountains. When the circus started that night the weather was perfect. Kenna and Freer crawled under the canvas and were soon fast asleep. They had traveled about ten miles when a heavy rain*

*fell. The road was of red clay, and soon became almost impassable because of the long train of horses and wagons.*

*Both young men were unmindful of the elements until they were rudely awakened by the driver of their wagon, who summarily ordered them to awake and get out and push. They objected, but the atmosphere became sulphurous, and they acceded to his demand. With a longing look at their best clothes, the two climbed out and dropped down into the mud.*

*At one step they were in the mire up to their knees. The slipping horses tugging at the heavy load, threw chunks of red mire all over the 'orators'. They were furious but lacked the nerve to mutiny against their commander, the driver. Up the long hill they trudged, pushing with all their might to get the heavy wagon up the hill. After several stops for rest they reached the summit and were permitted to resume their places under the canvas.*

*Because of the terrible condition of the roads the show did not reach Madison until shortly after noon, and just a few minutes before time for the circus to exhibit. Both Kenna and Freer were sights, for the red clay had ruined their clothes. Nothing daunted, they faced the big audience that afternoon, and, telling their experiences of the previous night, they carried the people by storm.*

*After their three weeks campaign the election was held, and Charleston was victorious. The campaign served to make both men well known throughout that end of the State, and the very next year both were drawn into politics. Kenna was a Democrat and Freer a Republican. At that time West Virginia was strongly Democratic, and Kenna rose in the ranks rapidly. He was elected prosecuting attorney, and then was elected a United States Senator. He was one of the brainiest men in the upper branch of Congress.*

*Freer was to have his turn, too. He was elected prosecuting attorney, a Circuit Judge, then served a term in Congress. Now he holds a prominent State office. Both men were drawn into their political lives by their novel campaign with a circus.*

(Ed. Note: Though riddled with inaccuracies, this account of Freer and Kenna's activities on behalf of Charleston's efforts to locate the Capital is interesting. However, it was attributed to someone who was not present for much of what was related, was told over twenty years after the tour and the inaccuracy as to when the events occurred lead one to be skeptical of the veracity of other parts of the story [Notice too that Freer was supposedly young and healthy]. In fact, another account of the story is that Freer and Kenna were in a Huntington bar after a speaking engagement, lamenting their inability to get anyone to listen to their message about Charleston. According to this version, they were overheard by a man who claimed to be a clown for the circus and who invited them to travel with the circus. Once the clown had the crowd's attention, Kenna and Freer could make their pitch for Charleston. Whatever the truth, Charleston did become the state's capital.)

After returning from Nicaragua and before moving to Ritchie County, Freer befriended Booker T. Washington. When Washington wrote his memoirs, he noted "A good deal of my reading of the law was done under the kind direction of the Hon. Romeo H. Freer, a white man who was then a prosperous lawyer in Charleston and who has since become a member of Congress."<sup>5</sup> Governor William A. MacCorkle mentioned Freer's connection to Washington when writing his *Recollections of Fifty Years*. "After he

(Washington) came back from Hampton, he studied law under the direction of Romeo Freer, who was afterwards Judge and Attorney General. Freer was a Republican lawyer at Charleston, and Washington did not study law in his office as was currently reported. Freer loaned him books and examined him on the law which he had studied during the week at his home."<sup>6</sup>

According to his pension records, Freer's first wife, Lillie Fuller, who he married in Warren, Ohio on May 25, 1870, died in Charleston May 25, 1873 and was taken to Warren, Ohio for burial. Lillie and Romeo Freer had one child who died in infancy. After his return from Nicaragua, Freer married Effie Brace of Charleston on January 24, 1877 with whom he had one son, Romeo H. Freer, Jr. The younger Freer became a noted civil engineer and, among other projects, helped design a railroad in Nicaragua. Effie Brace Freer and Romeo H. Freer divorced in July 1881.

Shortly after his divorce, Freer left Kanawha County and established a law practice in Ritchie County. On July 8, 1884, he was married for the final time to Mary Iams, a Pennsylvania native who had moved to Ritchie County with her family in 1878. (7)

Freer was elected to represent Ritchie County in the West Virginia House of Delegates for the 1891 session. In 1892 he was elected Prosecuting Attorney and Circuit Court Judge in 1896. In 1898 his district honored him with election to the United States House of Representatives where he served in the term beginning in 1899 and ending in 1901. In 1900 he contemplated a run for Governor, but acceded to his party's desire to nominate

<sup>5</sup> Booker T. Washington, (eds: Louis R. Harlan and John W. Blassingame) *Autobiographical Writings*, Vol. I (Chicago: University of Illinois Press, 1972), 26.

<sup>6</sup> William A. MacCorkle, *Recollections of Fifty Years* (New York: Putnam Sons, 1928), 569-70.

<sup>7</sup> Freer Pension file; Lowther, *History of Ritchie County*

Albert B. White. Freer accepted the nomination for Attorney General and was elected to that office. At the expiration of his term, he returned to Ritchie County where he was appointed a postmaster, a position he held until his death on May 9, 1913. Freer is buried in Ritchie County, West Virginia.

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## The New Constitution

(Editor's note: This article appeared in the *Parkersburg Sentinel*, July 31, 1875 and is in reference to the West Virginia Constitution of 1872, adopted after former Confederates had been re-enfranchised. The first Constitution of 1863, written in the early days of the Civil War, was unpopular with many West Virginians. Though this article was published after the war had been over for ten years, the hostility generated by that conflict remains apparent.)

Our neighbors of the *Journal* now and then take pleasure in calling the attention of their readers to what they regard as the monstrosities of the new Constitution. We will admit that the new Constitution is not in every particular what it should be. Yet taking it as a whole it is a good Constitution – well gotten up. Being the first Constitution ever adopted by the sovereign people of the State, we regard it as an excellent instrument. We hear our neighbors comparing the old with the new. We deny that West Virginia ever had a Constitution until the present Constitution was adopted.

The people of this State were called upon, and about one third of them voted for an instrument called a Constitution. It was taken to Washington and the Congress then in session refused to receive us as a State under it; that unless we would consent for her to dictate a Constitution for us we could not be received as a State. Then it was that the bastard bantling of

political corruption, in the shape of what was called the “Willey Amendment” was inserted in the Constitution by Congress, and sent back to the people for adoption, with a threat by Congress that if it was not adopted as prepared and dictated by them, that they would not receive us as one of the States of this Union.

It came back as dictated by Congress for the people to vote upon. Many of our old citizens felt the insult that Congress had offered us and refused their support to the instrument, and we all recollect when the Hon. J. J. Jackson, one of our oldest and most respected citizens, in company with Hon. Sherrard Clemens, of Wheeling, undertook to discuss the merits of the dictated Constitution, to rebuke the insult offered to a free people by Congress, that the soldiers with bristling bayonets were called to the Public Square and who swore that they would shoot a hole through any man who dared oppose the Constitution as dictated by Congress. Here was a paper called a Constitution submitted to a free people and the people at the same time forbid(sic) to discuss its merits or vote against it. These facts are all fresh in the memory of the people of West Virginia. That Congressional document, when sent to the people, did not get over one-third of the votes of the State. Yet the Radical party claimed that it was the Constitution and that the sovereign people of this State were to be governed by it. It is alone the sovereign people of a State that can make and adopt a Constitution. Not Congress. This impertinent intermeddling in the affairs of this State will stand for all time as a burning disgrace to this Nation. The people here recollect the speakers and their bloody denunciations of those who opposed the political bantling.

If our friends of the *Journal* will only look back and see the abuses recognized by the party in power under that instrument; the deprivation of the sovereign rights of the people, together

with the elastic construction put upon it by the Executive and Judicial officers of the State, they would veil their faces in shame and hide behind the political curtain, and be silent from this time henceforth and forever more about Constitutions.

**MINING YOUR HISTORY  
FOUNDATION HEARS NARA  
ARCHIVIST**

The Mining Your History Foundation annual meeting was held at the Cultural Center in Charleston on November 15. Jonathan Moak, archivist at the Mid Atlantic Regional Archives of the National Archives and Records Administration in Philadelphia was the featured speaker. Moak presented a program outlining the vast number and quantity of records relating to West Virginia held by the Mid Atlantic Regional Archives. The records provide opportunities for both historical and genealogical research. Examples are federal bankruptcy records, immigration and naturalization records, federal court records, the labor movement and many others. Interested researchers can visit the Regional Archives web page at [www.archives.gov/midatlantic](http://www.archives.gov/midatlantic).

The Mining Your History Foundation also elected officers and chose Wes Cochran as President for an additional year. The MYHF seeks new members and invites those interested to write them at  
Mining Your History Foundation  
PO Box 6923  
Charleston, WV 25362-0923.

**PRESERVATION ALLIANCE  
WORKSHOP AND MEETING**

The Preservation Alliance of West Virginia met at Oak Hill on November 7 and 8. Attendees were treated to workshops relating to historical preservation and a number of papers from researchers, students and persons interested in preservation from the standpoint of economic development. The Alliance also elected its officers. Dr. Robert Conte, historian at the Greenbrier Hotel and Resort, was reelected President. The organization welcomes new members. Visit their website at [www.pawv.org](http://www.pawv.org).

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**January 2009**

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