

ON THIS DAY IN WEST VIRGINIA HISTORY AUGUST 1



County Court records being put in courthouse at Parsons, 1893

On August 1, 1893, in the midst of controversy over the removal of the county seat of Tucker County from St. George to Parsons, a large group of men forcibly moved the county court records to Parsons.

CSO:SS.8.2

Investigate the Document: (Hamilton et al vs. Tucker County Court et al, *West Virginia Report*, Volume 38)

1. According to the document, when can a special session of a county court be legally held?
2. On what date was the election held to determine the county seat? Which two communities were on the ballot? Which was elected?

Think Critically: Why were “county seat wars” a common occurrence during the 19th century? What benefits would a community gain by being chosen as one?

SEPTEMBER TERM.

CHARLES TOWN.

HAMILTON *et al.* *v.* TUCKER COUNTY COURT *et al.*

Submitted September 7, 1893.—Decided September 12, 1893.

1. COUNTY-SEAT — RE-LOCATION — COUNTY COURT — ENTRY ON RECORD BOOK.

Under section 15, c. 39, Code 1891, when an election upon the re-location of a county-seat has been held, and the County Court has ascertained and declared its result and entered upon its record-book the fact, that three fifths of the votes cast were for re-location at a particular place, that place becomes by operation of law from the date of such declaration the county-seat of the county.

2. COUNTY COURT—NOTICE—SPECIAL SESSION.

A special session of a county court can be held legally only after a notice of the time of the session, and notice of the purposes for which it is to be held having been posted by the clerk at the front door of the court-house at least two days before the session.

3. COUNTY COURT—NOTICE—SPECIAL SESSION.

To give such special session jurisdiction in any matter, it must appear upon its record-book that such notice was so posted, and also it must appear from such entry in said record-book what were the particular purposes for which the special session was held, as stated and specified in such notice.

4. COUNTY COURT—NOTICE—SPECIAL SESSION.

If such entry as is above described is not entered in such record-book of such special session, everything, which may be done at the special session, must be held to be an absolute nullity.

5. COUNTY SEAT—RE-LOCATION.

Citizens and taxpayers of a county have such an interest in the matter of the re-location of a county-seat, that they may interpose in proceedings in such matter and maintain appropriate legal process touching it.

J. P. SCOTT, A. J. VALENTINE, C. O. STREIBY, and DAYTON & DAYTON, for petitioners.

L. S. ANVIL, A. B. PARSONS, and J. HOP. WOODS, for respondents.

BRANNON, JUDGE:

This case involves the location of the county-seat of Tucker county. On April 28, 1893, an election was held in Tucker county to obtain the sense of its voters upon the question of the removal of its county-seat from St. George to Parsons, and on May 4th the County Court canvassed the returns of the election and declared and entered of record as its results, that three fifths and upwards of the votes cast were in favor of re-location at Parsons. Afterwards, on July 10th, the County Court entered an order reciting the former order declaring the result of said election and reciting, that certain persons had tendered a lease for the term of four years of a certain house at Parsons for use as a court-house, and accepting such tender, and then declaring the said house to be the court-house of said county, and the town of Parsons to be the county-seat, and ordering the removal of the county-records, papers and property pertaining to the clerk's office to said house at Parsons on the 7th day of August, and directing that bids be asked for such removal. By another order made on the said 10th of July the court awarded to Poling Bros. the contract for removing such records, papers, *etc.* On August 1st said contractors, Poling Bros., removed said records, papers and office-property from St. George to Parsons and placed them in the said house, which had been so declared the court-house of said county.

Application was made to the judge of the Circuit Court for a writ of *certiorari* to take into the Circuit Court for review and reversal the order so made by the County Court on 4th May, declaring the result of the election to have been in favor of the re-location of the county-seat; and, the writ having been refused, a writ of error and *superseas* was allowed by a judge of this Court on July 27, 1893, to the order of the Circuit Court judge refusing such writ of *certiorari*. On August 7, 1893, at a County Court held by two of its members, an order was entered to the effect that the records and furniture belonging to the clerk's