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**MEMORIAL ADDRESS**

**MADE**

**SEPTEMBER 28, 1911**

**UPON THE DEATH OF**

**HON. WESLEY MOLLOHAN**

**BY**

**Members of The Bar Association  
of the City of Charleston.**



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## ADDRESSES

Made at a meeting of the Bar Association of the City of Charleston, held in the Supreme Court room, September 28, 1911, to pass suitable resolutions upon the death of Hon. Wesley Mollohan.

### ATTORNEYS PRESENT.

Avis, S. B.	Hudson, A. P.
Ashby, W. L.	Jordan, I. C.
Brown, J. F.	Koontz, A. B.
Byrne, W. E. R.	Linn, R. G.
Burlew, A.	Loewenstein, Isaac
Briggs, Murray	Laidley, W. S.
Burdett, S. C.	WacCorkle, W. A.
Bouchelle, J. F.	Morton, E. H.
Black, V. L.	Menager, J. B.
Broun, Beverly	Mathews, W. G.
Blagg, Don	McWhorter, H. C.
Chilton, W. E.	Minor, Berkeley
Clark, T. S.	Morgan, B. S.
Cork, J. F.	McWhorter, L. E.
Couch, Geo. S.	McDonald, Angus
Dawson, W. M. O.	Mathews, Wm. B.
Davis, Staige	McCabe, R. E.
Dyer, E. B.	McWhorter, C. N.

Gallaher, D. C.	Price, Geo. E.
Good, C. W.	Payne, W. D.
Green, S. S.	Taylor, D. W.
Ruffner, Jos.	Vickers, L. D.
Richmond, S. P.	Williams, L. J.
Spilman, R. S.	Wehrle, John
Thayer, John A.	

MR. S. S. GREEN, First Vice-President, on taking the chair, said:

Gentlemen of the Bar Association of the City of Charleston, of the Judiciary, and of the Kanawha Bar:

It is a sad duty to me to announce to you that we are again assembled to take appropriate action to honor the memory of a brother taken from us by sudden death; and it seems unnecessary for me to tell anyone who has been in this City for the last two days that Wesley Mollohan is dead, for the grave and serious look, and quiet and subdued tone of all we meet, tell that the sad news is known and the great loss of our community is felt.

It has been but a few weeks since we were assembled in this room to take similar action on the death of one of the young members of our bar; today we mourn the loss of one of the older members. Truly death is no respecter of persons; the young and the old are alike called at its will, and all must answer. This instance reminds us of the words of the poet:

“Death never takes one alone, but two

\* \* \* \* \*

Never one of a household only”

And again:

“Death loves a shining mark, a signal blow”.

How truly are these words exemplified in the instance before us; two of our household are taken; death again claims “a shining mark”; strikes “a signal blow.”

In the death of Mr. Mollohan the judiciary of the State loses a worthy and able assistant in the search for the law, and the clear expounding of its principles; the bar of this county and the State loses an honored member; but our Association sustains a peculiar loss, for we all remember with pleasure, the interest he took and great help he gave in its formation, signing the call for its organization, presiding at the meeting for organization, giving helpful and good suggestions and amendments to its Constitution and by-laws, unanimously elected its first President, and launching the Association under his guiding and conservative administration upon its career of usefulness and good.

The chair is ready to entertain any action of the meeting.

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MR. D. C. GALLAHER:

Mr. Chairman, I do not know that I can add a word to the sentiments expressed in the memorial and resolutions we have just heard read. I can not see that any of us can do more than to endorse and approve of the sentiments therein expressed. But, for me, sir, this is a peculiarly sad and impressive moment. I can look back to the time, nearly forty years ago—in 1872, when as a young man I came to this bar. I can recall with gratitude and pleasure the welcome and hospitality extended me then. I came to this city with but one letter of introduction; I have lived here nearly forty years, and among those who welcomed me and extended me a hospitable reception I can recall no one who was warmer and more kindly than Mr. Mollohan; and I want to say that from that day until this we have been friends. He was a man, as we all know, whose ability every one recognized; but to my mind—and I have said so, and I have thought so for years—he was the wisest and safest counsellor I ever knew. Speaking personally, he was a man that any

one could go to with matters of moment to themselves or others, of a business or of a personal character, and anything told him or communicated to him was left in a repository that was as sacred as holy writ. I have always felt that way toward him.

But, sir, this moment is peculiarly impressive to me from this further fact, that I can recall but four living members of the the bar who were here in 1872. Two of them are present; and you will pardon me for saying that it is also impressive to me, as I reflect upon the many years, and the many, many occasions that Mr. Mollohan and I have attended meetings like this. He was a man who always—and I say this in his honor—when he was in the city, attended these meetings. He had a sacred regard for the fraternity of his profession. I have no words of encomium to add; his life speaks for itself. But I think there is a lesson to which you, sir, have referred, that we all ought to bear in mind. It has been but a few short days, it seems to me, since the finger of death touched one of the youngest and most prominent members of our bar; today we stand as it were by the bier of the Nestor, the dean, almost the father of the bar, and it teaches us what we should all remember: “The old must die; the young may.”

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MR. GEORGE E. PRICE:

Mr. Chairman, I want to say a few words upon this occasion. It is seldom that we have a real affection for a man, and yet that is the sentiment that I cherished toward Mr. Mollohan. I not only had an affection for him but I had a very great admiration. He was an extraordinary man, a man among men; and I knew him well. I came here a good while after Mr. Gallaher; I came first to Charleston in 1887, to the first session of the legislature after the capital was removed here. I think I saw and knew Mr. Mollohan in the two sessions of the legis-



lature I attended, at least met him. I knew him in the sessions here before I removed to Charleston in 1890, and after that we were for a long while in the same building. I had offices just above him. I have been associated with him in some of the most important cases that have been tried in the courts since I have lived here. I have been opposed to him in cases in court. I knew him as an opponent, and I knew him as an associate in the trial of cases. I knew him in the consultations which take place between lawyers in reference to matters that arise in cases in which they are engaged. I knew him as a man, and, as I have said, everything that I knew about him inspired in me not only an admiration and respect, but affection.

I have said that he was an extraordinary man. It is true that Mr. Mollohan had lived a long while, and no man can live as long as he lived without accumulating, if he has the capacity, a great deal of knowledge; but it is not every man that is able to expand as the years go by, and to treasure up and make use of the things which he has experienced and seen. When you think of it, Mr. Mollohan was born back, I believe, in the forties; he was about twenty years old when the war began, and had some knowledge of the burning questions of that day, as they are known to those of us who lived during the war—and of the causes that led to the war and the great questions that were discussed in those days. He lived through the war; he saw this state of West Virginia formed, her first constitution adopted, the peculiar circumstances under which it was adopted. He saw after the war another party come into power and another constitution adopted, the present constitution, and he has seen the changes that have been made in that constitution. He was familiar with the legislation of the old state; he was familiar with all the legislation of this state from its birth. He made it a habit to attend the

sessions of the legislature, always; that was one of his peculiar habits. Whenever it was in session he was around during the legislature. He kept in touch with the courts, more so than almost any other man, and he acquired a knowledge of the law and public events, and of what was in the public mind, the reasons for the legislation and of the changes made in the statute, such as few men had. He did not forget anything, apparently; he had the most retentive memory of any man I have ever known. He lived and practiced law before there was a West Virginia Report written. He has seen them all compiled and published, up to the sixty-eight that we have now. When he began there were hardly more than twenty Grattans, and not a hundred United States Reports. All of this vast accumulation of reports and statutes has grown up in his active life as a practitioner at the bar.

Now, Mr. Chairman, I have mentioned this to make this further observation: that many a man could go through that kind of experience, and many have gone through it, have lived through this wonderful expansion and development, and yet the memory of it has passed out of their minds and it made no lasting impression upon them. But Mr. Mollohan was a man who grew and expanded with the expanding times. He took in the great growth of the corporation law, the great development of constitutional law; he was able to absorb it all, and to exemplify it and use it in his practice. It takes a great man to do that. That is one of the tests of greatness. I say that Mr. Mollohan was really a great man, a wonderfully great man, because there are none of us but know that he had at his finger ends all of the things that had taken place during his life time. This was exemplified largely in his familiarity with the land titles of the state. He was familiar with almost all the large surveys in the central and southern part of West Virginia, and

he knew not only the location on the maps, but he knew the trees and other natural objects that stood at the corners and where the lines ran along certain streams. He had the ability to retain them in that comprehensive mind of his, and it was of wonderful use to him and made him, as has been said, the wise counsellor that he was.

I do not know any greater lawyer in my experience than Wesley Mollohan. I do not know any wiser man, take him all round, and it is a pleasure to me to bear this tribute to him. Now, Mr. Chairman, that is the kind of a lawyer he was; that is the kind of a public man he was. He kept in touch with public matters thoroughly. He was essentially a lawyer, as has been said in the memorial. As a man, he was as kind, as gentle, as a woman, and as considerate as it is possible to be in the contests at the bar. He was ever ready to lend a helping hand to anybody who needed it. He could not refuse a favor; it was not in him. He could be depended upon at all times to do the right thing, and to speak out and say whether a thing was right or whether it was wrong. He was a very wise man, a very gentle man, and it was an honor to have him for a friend.

We can not all be as great as Mr. Mollohan. A poet has said, "Lives of great men all remind us, we can make our lives sublime." It is not given to all of us to be great in the sense of being a great lawyer, a great man, like Mr. Mollohan, but it is a great thing to have lived with a man like that, to have known him well, and had his friendship and influence. And it is well for us, as a body, to gather here and recall his virtues, and express our sentiments as we do upon this occasion.

Now, Mr. Chairman, there is another thing that is worth while to remember. Mr. Mollohan was not a money maker. He was a lawyer, and made the law his first duty. The practice of the law can be used to make money, and opportunities no doubt frequently came to

Mr. Mollohan by which he could have accumulated large properties. He helped to build up many a fortune. I have heard him say that he helped to make a good many people very rich, while he was still poor. We have got to choose between the two; a man has got to choose between being a great lawyer and being a very wealthy man. And to my mind, Mr. Chairman, the choice is not hard to make. I believe that Mr. Mollohan derived more satisfaction and happiness and pleasure out of the practice of the law, as such, and the discussion of civic and political duties, the advising and directing of men engaged in great enterprises who depended upon his advice, the defense of the weak and the advocacy of the right, keeping in touch with public affairs and standing amongst public men as a lawyer and a constitutional adviser; I say I believe, sir, there is in the pursuit of those things a higher degree of pleasure and satisfaction and happiness than there is in the great accumulation of money, although that is not to be despised. So whilst it may be said that he in that respect was not a successful man, yet that is not to be taken into consideration in determining whether a man is a successful lawyer or not. I believe, therefore, that we can say that he attained to the highest position in the profession, and I believe that he derived as much happiness and pleasure, and accomplished as much good in the practice of the law as such, as could have been done in any other way. I want to add therefore my word of the highest commendation and greatest respect to his memory.

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JUDGE HENRY C. McWHORTER:

I came to this city in 1863; Mr. Mollohan came here, I think, in 1865. He came here a practicing attorney; I came to the bar the next year, 1866. He and I were most warm personal friends, and have continued so ever since. I do not know a man that I had greater regard for than

I had for Mr. Mollohan. He was not only a good practitioner, but he was a great lawyer. Senator Price has well expressed his qualities, better than I can do it, but I feel that the loss of Mr. Mollohan is a personal loss to me. We have been intimate for all these years. I feel that I have sustained in his loss a personal loss, but I look forward to a time when we shall meet again. I do not feel that the grim monster took him, but a friend of humanity, the angel of death.

He was a very remarkable man, as well said by Senator Price. He scarcely ever forgot anything. Everything seemed to be impressed upon his mind. He knew the trees and the rocks and the streams, and he could tell you all about almost any survey in the country. He could tell you where the corners were, and which way the lines ran. He made the law his study, and he studiously eschewed politics and everything of that sort—everything that would take his mind from the law. He made that his business, his life work, and he succeeded splendidly indeed. I do not know a better lawyer in this city than Mr. Mollohan was.

I should like to say more. All that has been said, all that has been reported by the committee, I endorse heartily and cheerfully. I have lost a friend.

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GOVERNOR WM. A. MACCORKLE:

My first acquaintance with Mr. Mollohan was in 1879. He was in a land case and the group with which he was associated was the most brilliant galaxy of men of the legal profession whom I have ever known. During the many years since that date, in the various phases of professional life, it has been my experience to meet a number of the greatest lawyers of this country. I believe that in their several spheres that the men who were in the trial of that cause with Mr. Mollohan were the ablest lawyers that I have ever known.

Edward B. Knight, with whom Mr. Quarrier was opposing Mr. Mollohan, was one of the most eloquent and brilliant jury lawyers of the day, vigorous and able before a court, careful in the preparation of his case and as an all around trial lawyer I have never seen his superior.

William A. Quarrier was unquestionably one of the greatest technical pleaders who has ever adorned the Bar of Virginia or West Virginia. He had made the study of pleading a specialty and was a master of all of its details. With all, when he desired to be he was eloquent and at the same time terse and vigorous in his addresses to the court or the jury.

James H. Ferguson, strong, able, resourceful, dignified and a man who knew every touch of human nature and who was able to play on every key of the weakness or strength of humankind.

Judge James H. Brown, clear, dignified, able a careful, laborous pleader, learned in the law, careful in his preparations and a man of stately dignity and of tremendous force before a court or the jury.

Mr. Mollohan was the other member of the Bar engaged in the management and control of this great land case. As a young man studying the law, watching the lawyers, it was my pleasure to see the play of these master minds in the care and control of the great case. Mr. Mollohan played no second hand amidst this brilliant coterie. His part in the case was a fair exposition of his characteristics as a lawyer in the thirty years in which I afterwards knew him. He was cautious, never placing a proposition before the court or the jury which was not completely studied. He was profound in the searching out of the underlying reasons which would prompt action in a case. Whilst not pretending to possess the beauty of phrase or expression, and caring little for it, his address in the exposition of a law proposition to the court was clear, vigorous, earnest and always evincing a

thorough knowledge of the situation. He was powerful in conference and the idea which I gathered of him in that case was of his high ability in the controlling direction in which a case should go, and his profundity and foresight in its management. Amidst this coterie of brilliant men I could always discern their leaning upon his opinion, and every proposition which he advanced was one which had to be met with ability, because it was founded upon a deep contemplation of the law proposition or of the case in hand.

Mr. Mollohan, in the thirty years in which I knew him, more than fully justified the opinion which I had formed of him in my first contemplation of him as a lawyer. He was a splendid counsellor; he was not rash with his opinions. He was slow in making up his mind, but I have never known him in all of these years to give an opinion which was irrational or illogical and which was not based upon a thorough contemplation of the situation. He was learned in the law; a thorough student of human nature. He knew a jury, especially a country jury, as well as any man with whom I have ever been acquainted, and was profound in that one thing which characterizes a great lawyer—a knowledge of the true situation of feeling, of sentiment and of direction in a law case.

Mr. Mollohan cared nothing for external effect. He was a quiet man in his demeanor, but no man had a quicker sense of the ridiculous and no man more greatly loved a good joke. He enjoyed a joke upon himself with as great a degree of pleasure as one upon his fellow members. I am the only living witness of the famous episode between Mr. Mollohan and the late Charles Hedrick, when Mr. Mollohan explained to him "why he signed the bond". I remember the enormous glee and delight with which Mr. Knight used to exhibit the postal card which

he had received from a client, which was, as I recollect as follows:

“Dear Mr. Knight:

I want you and Mr. Mollohan in my case. I want you for the law and Mollohan to cute rascals.

Yours truly, ”

Whenever Mr. Knight would catch Mr. Mollohan in a good crowd of lawyers he would pull his postal card and elaborately explain, in Mr. Mollohan's presence, the difference in which the two were held by the body of the people. Mr. Mollohan always received the joke with a great smile and in many instances retaliated in kind.

I never knew a more careful counsellor than Mr. Mollohan. I was with him for fifteen years on the directory of the Citizens National Bank, of which he was President. I always found him clear headed, sensible, careful and conservative in his opinions, and yet, in everything, in law, politics and business his counsel was always tempered with a kindness and charity of which sometimes he seemed to be ashamed.

He carefully kept to himself his charities and oftentimes hid from others his charity of thought and feeling. A friend once told me that he was in trouble and he met Mr. Mollohan and Mr. Mollohan asked him what was the matter with him. He told him that he was ill and needed five hundred dollars, that he wanted to go away. Mr. Mollohan said to him that he had the money and that he was welcome to it. He told him to pay him when he could, but to take it and go and get well and not to say anything about it. That disposition characterized him throughout his life. He never did his good deeds on the house top and his disposition was not to let his left hand know the charity which his right hand was doing.

Some of my brethren today have discussed the life of



Mr. Mollohan along the lines of the law, and one of them has said that he never invaded the lines of political affairs. That is a mistake. He was a lover of politics and in all the years that I have known him he took a vast interest in political matters. The party to which he and I belonged sent him to three national conventions, in all of which he was a member of the Committee on Resolutions, which formulated the platform under which the democratic host conducted its contest. Both of these platforms were marked by Mr. Mollohan's influence and in one of the conventions his weight and word and counsel in the Committee on Resolutions brought about the settlement of a question of great political importance along the lines of what afterwards proved to be the controlling factors in the contest. He cared nothing for office holding of itself, but there was no more acute or careful student of political affairs and strange to say, there was no one whom I have ever known who delighted more greatly in the hurry, the hubbub and the contest of a convention than did Mr. Mollohan.

He was a keen lover of nature. Both of us were born in the country, and oftentimes I have been with him and enjoyed his talk of the trees, of the green leaves and the growing grass and of the sweet things that come from the woods and fields. He knew the trees thoroughly and spoke of them and thought of them as living entities. The country was a joy to him and the country people were the greatest pleasure of his life. He loved sensible people and enjoyed the plain people of the world. The ruffles and frivolities of life did not appeal to him; he was an old fashioned man in his ideas of government, in his thought about social affairs and of education and study.

There was no movement for the benefit of the city or the state in which he was not interested. He took great delight in the provincial history of the state, in its his-

torical beginnings, and I believe there died with Mr. Mollohan a greater knowledge of the promptings which controlled the men in the formation of this state than existed with any other one man. He was a good citizen, a kind father and husband. His heart and words were full of charity and in thinking of the many years of kindly relations I do not believe that I recollect of one single unkind expression towards any person.

It fills me with exceeding sadness to look around this Bar and only note the faces of six members of the profession who were here when I joined the ranks in 1879. It reminds me of looking at an old worn sheet of yellow newspaper, issued in Memphis during the plague many, many years ago. On the page was the enormous death list of that day, and in the middle of the sheet was the Angel of Death shooting his arrows into the ranks of the living, and under the picture was the legend "Who will he next strike?"

With Mr. Mollohan almost the last of the old era has departed. The old circuit rider, learned in all the branches of the law, able in the management of a criminal case, technical in the control of a pleading before a judge, profound in the knowledge of the intricacies of the land law, strong in the direction of a case before a jury has largely departed. The law is crystallizing today into specialties, and the all-around, able lawyer of the olden times in our section has about departed with the able, strong, kind, vigorous man whom we here today sincerely mourn. He was an able counsellor, an earnest friend, a charitable man, a profound lawyer and an honest man. May his memory be always bright and clear among those with whom he labored so long.

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JUDGE HENRY C. McWHORTER:

Mr. Chairman, I did not mean to say that Mr. Mollohan had no interest in politics, for he always had an in-

terest in politics; but he never would run for any office. That is what I meant to say; and I would add this, that in speaking of those who have gone, the Millers, the Fitzhughs, the Quarriers and the Smiths, and others of the great men that have passed from us, we mention them as in the plural, but we can not say the Mollohans, because there was never but one Mollohan.

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MR. JAMES F. BROWN:

Mr. Chairman: There is little to add, to what has been so well said of our departed friend. We all know, and deeply feel; but words are wholly inadequate to express, the feelings that we have; or, to express in slight degree, our admiration for the marked traits that made up his individuality. Mr. Mollohan was a man *sui generis*, of his own kind; as Judge McWhorter has well said of him, he was 'unique', both as to his professional side, and in his every day walk in life. But with all that, there was not one element in his character to be recalled with regret; not one, not to be admired. He was able, clear-headed, straightforward; always considerate, ever courteous. And, though foremost among lawyers and eminent among men, his bearing, throughout both his professional and private life, marked him as peculiarly a man free from aught of the self-consciousness which so often mars greatness or makes for unpleasantness in our social relations. Modest and unostentatious he was always, but firm of purpose; self-assertive where needed to be, but never officious to intermeddle with matters not falling within his sphere; a man who never shrank or flinched when was a question of duty at hand; one not quick to act, but one who never failed to act on proper occasion and at the proper time.

Mr. Mollohan was unique in this: he reflected the life of the old pioneers from which stock he had come, who made this country what it is. I never saw him, at the bar

or away from it, that I did not think of Daniel Boone and his compeers; careless of dress but scrupulous of his honor; thoughtless of himself but most thoughtful of others; true to his convictions and unflinching in his defense of them; as unswerving from his purpose as the arrow from the bowstring; as deaf to undue persuasion as disdainful of threat or intimidation; and with all, a man so observant that nothing escaped him. He was a man who loved nature, in the grandeur of the mountains and of the forest. He loved the trees, the rocks, the streams; loved to stroll through the woods, and drink in the music of the birds and of the waterfalls. He knew every plant and tree that grew; he knew the name, and its origin, of every stream in our mountain fastnesses and every change in their courses which had occurred within a hundred years. He knew all the traditions of the country, the names and histories of all the "first settlers," of their struggles and adventures, and of the tragedies of the early days. An "old survey", or "marked line", or a corner tree with an "ancient mark" with its suggestions, was his delight. In an ejection suit he was wont to "track" the surveyor, and the result ever justified it, he was as experienced as a woodsman as he was as a lawyer,—the combination was well nigh invincible. He loved to dwell in thought and in conversation on what the woods and the woodsmen had taught him; and, above all, upon the history of those times when the pioneers in grave seriousness played hide and seek with the Indians, here. It is said, on these excursions the mountaineers would gather about him and listen intently, as in his droll way he told over to them the unwritten history of their forefathers, and recalled the traditions of that or this "settlement" or of where this one's great-grandfather was scalped, or that one's was killed, and the circumstances under which the tragedies occurred.

His mind was a store house of general information,

but treasured most in his memory was a wealth of the traditions of those early times which he so loved to dwell upon and which he reflected in his life and bearing and even in his appearance. His long flowing hair reminded one of those old pioneers. His steady nerve and fearlessness reminded one of them,—his unobtrusiveness, his ever readiness to respond heartily and willingly to every demand of humanity for help and kindness toward his fellow man. He reflected, as I say again, more of that stalwart, sturdy type of manhood, now extinct, than any man I have ever known.

He was never flurried in the trial of a cause. He could never be forced beyond the steady pace of his own setting. Fully equipped as to the law and thoroughly versed in the facts of his case, he laid out his campaign and pursued it relentlessly, with consummate skill, fitting together apparently disconnected facts until a consistent whole put doubt to shame, all with a caution and watchfulness that permitted no error on his side, and allowed none on the other to escape him. His summary of the facts and application of the law was masterly. Few lawyers have to their credit upon the records more judgments in leading cases, testifying to their ability, than he. Both from the standpoint of the right and of the law he was a man of unerring judgment. I know of none from whom with such feeling of confidence one asked advice, or accepted it more sure of its trustworthiness.

Mr. Mollohan had still another side to his character. He was one who never failed to respond when called upon for help or advice by the younger members of the bar, when in deep water, as the younger members of his day often were. I know whereof I speak. When I first came to the bar he was in the prime of life, and at his busiest, but he never failed (and the calls were frequent) to respond heartily, with suggestion when needed, and with more substantial help when asked. I have remembered,

and will always remember, these kindnesses,—he had a lovable side to him. During the thirty six years succeeding, until his death, we were close, very close, both in a professional way, and as tried friends.

Mr. Mollohan's death has left a place at this bar and in the bar of the State not soon or easily to be filled. But he has not gone entirely from us nor ceased to be a power among men. The recollection of him, his influence through precept and example, and his impress upon the laws of the State through the long series of important cases argued by him in the highest courts, still live to make themselves felt, imperceptibly perhaps, but none the less surely, upon those who remain, and upon those to come after. He made for himself a name more honored than of titles, reared for himself a monument more durable than granite or brass. He will always hold in the esteem of the people of his state a first place, and have in the hearts of the members of this bar a warm spot irrespective of the period of their acquaintance, whether of a long time or for but a little while; but the longer the association the deeper the affection, for he was a man that grew upon you.

Of all the sad occasions of this kind, this is one of the saddest to me. A close friend for the whole of a professional life, more than a third of a century, esteemed, honored and loved, has passed. I cannot here forbear some tribute, however inadequate, to his memory,—a truly great man has gone from among us.

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MR. A. BURLEW:

Mr. Chairman and gentlemen of the bar: I can not allow this most solemn occasion to me to pass without saying a few words. I came to Charleston and was admitted to the bar in 1865, and it was my pleasure during that year to form the acquaintance of our deceased brother Wesley Mollohan and from that time to this all along the

path of life Wesley Mollohan has been my counsellor and friend. During the year 1865 there were also admitted to this bar E. B. Knight, James H. Nash and Wesley Mollohan, and I am not only the only one of those four members now living, but the only member of the bar of 1865 now living. The death of Wesley Mollohan came as a shock to me which I can neither conceal nor dissemble. From the first, my professional business lead me to an intimate and most friendly relation with Wesley Mollohan, and all through my professional life there has been no other person in Charleston with whom I have felt so free and so much inclined to consult and confer with in business matters, and in social ways, as with him. In fact in all the most important cases I have had during my practice Wesley Mollohan has either been associated with me or has been against me, so I knew him as I knew no other lawyer and no other man in all phases of life. I cheerfully endorse all that has been said of our deceased brother, and feel that I have lost a dear and valued friend, and that the State of West Virginia has lost a most valuable citizen and a great lawyer. Lost, did I say! No not lost, the life, character and abilities of Wesley Mollohan have been impressed upon the people of this State in such a way that he will long be remembered. The sudden and unlooked for death of our deceased brother calls to mind the lines of the poet.

There is a Reaper whose name is Death,  
And with his sickle keen,  
He reaps the bearded grain at a breath,  
And the flowers that grow between."

Mr. Chairman, the resolutions which have been presented to the bar for our adoption say all that I can find words to express. They have my most cordial and hearty approval and I move that they be unanimously adopted.

**Resolutions Adopted by the Charleston Bar Association and  
Referred to in the Addresses.**

Wesley Mollohan, the subject of this memorial, was a member of this Bar for more than forty-five years. And so long a period, filled as it was, with active participation in the most important litigation, his ability as a lawyer became so pronounced that he came to be regarded throughout the state as one of its foremost lawyers. Particularly, was he noted for his familiarity with the complexities and intricacies of our system of land laws, in which he was not excelled, nor probably equaled by any lawyer in the state. The unraveling of intricate and involved problems in that branch of law was a task suited to his mind, and his labor upon matters of that nature was in a great degree relieved of its burdensomeness by the pleasure it gave him to work out the solution. Throughout this and neighboring counties he took a prominent part in the litigation which settled the titles to many of the large land surveys.

In the other branches of the law he was second to none of the members of this Bar which has always justly ranked as the equal of any in the state. His knowledge of the law was extensive and accurate, and his wonderful memory, retaining as it did, whatever he had read or heard, made him a ready counselor and a formidable debater. His judgment upon legal as well as other propositions was sound, and his skill in handling the facts in a case, and his keenness in discerning the fallibility of his adversary's position made him an exceedingly dangerous opponent in the trial of a case. Yet, in his professional experience, as in all his personal affairs, he never stooped to take an unfair advantage. In his professional life and in his private life, he held strictly to the path of honor, and no man living can justly claim that he ever knowingly or wilfully did him a wrong. He was a hard fighter



at the Bar, and like other lawyers, enjoyed winning his legal battles, but when he had done so, he was always ready and glad to make his defeated opponent every concession consistent with his duty to his own client, and to make the burden of defeat as light as possible.

He was a plain man in every way—in his speech and in his habits. He never essayed rhetorical flights in his arguments, but put his case in the simplest words and phrases, with a quaintness of style all his own, and in a manner that held attention and conveyed thorough comprehension to his hearers.

He was a cautious adviser and safe counselor, and was slow always to advise litigation. No man with corresponding ability and reputation was ever more modest than he. He never appeared to realize or be conscious of his high rank in his profession. He was as little afflicted with vanity at the end of his life as he was when he started on his career. No one ever heard him boast of any of his achievements. If he felt any pride in them, he never indulged in self laudation. He lived the same plain, simple, quiet life all his days, avoiding all things that seemed pretentious or assumed. He was kind, generous, magnanimous and intensely loyal in his friendships. He had no littleness. A man of more loveable disposition it would be hard to find. Those who knew him best loved him most. He was a man of decided convictions upon all public questions, and never hesitated to announce his position upon proper occasions. He decided his course of action upon principle alone, and was always as honest with himself as he was with his fellow man. He hated wrong and pretense and sham, and never took pains to conceal his aversion thereto. He was an exemplary citizen, a true and loyal friend, a devoted husband and father, and what more can be asked of any man.

He spent nearly all of his long life in this, his native state. He was born and grew to manhood among its

mountains, and his nature seemed to have formed a kinship with them and their forests and streams, and to be imbued with such love of them that he found his sweetest recreation in their midst; and there, in close communion with nature, as he loved it, his life became impressed with that unchangeable simplicity with which nature ever clothes herself, and in which the artificialities and affectations of life have no place.

It is a great tribute to a man's character, when, on such an occasion as this, in looking back over his past, we can find nothing to be palliated, excused or defended and are too feeble in the art of expression to delineate the virtues which have made him so loved, and his loss so greatly deplored.

JOSEPH RUFFNER,  
 GEO. E. PRICE,  
 J. F. BROWN,  
 W. E. CHILTON,  
 A. BURLEW,

*Committee.*

And we herewith submit the following:

RESOLVED: That a copy of this memorial be presented to the Supreme Court of Appeals of this state, to the United States Circuit Court for the Southern District of West Virginia, and to the Circuit Court of Kanawha County, and the Intermediate Court of Kanawha County, and that a copy be sent to the family of the deceased.



