

GILMER: THE BIRTH OF A COUNTY

*From the Special Collections Section at Marshall University 1940, Author thought to have been Nelson Wells
Original Manuscript obtained and retyped by John D. Gainer, February 2024*

The story of the formation of Gilmer and the effect of that formation on the existence of the town named after Johana, Baron de Kalb, companion-in-arms of Lafayette, Pulaski and Von Steuben, began in 1772 when William Lowther and Jesse and Ellis Hughes became the first white men to venture into the valley of the Little Kanawha River. Peter McCune, an Irish Continental Soldier, who visited the region on an exploring trip with his father-in-law Adam O'Brien at the close of the Revolutionary War, returned in 1810 to become the first settler in DeKalb District. He erected his home at the mouth of Leading Creek.

With cessation of Indian depredations following the Greenville Treaty and "Mad Anthony" Wayne's victory at the battle of Fallen Timbers, the entire Virginia territory east of the Ohio was opened for peaceful settlement. Adam O'Brien had built his cabin near the present site of Sutton, Braxton County, in 1795. In 1816, William Stalnaker, a Virginian whose ancestors had relinquished an hereditary barony in northern Germany to follow the adventure trail first to New York and later to Montgomery and Randolph Counties, Virginia, and who had received land grants of 30,000 acres in Lewis County (Gilmer was formed out of Lewis and Kanawha) for his services as lieutenant in the War of 1812, chose the site of an abandoned Indian village on Little Kanawha River, near the south of Mill Sear Run, for his home. In the grove of ancient trees that had sheltered the wigwams of the red hunters of another day, Stalnaker established a temporary cabin shelter for himself, his wife Elizabeth and their eight-year-old son, Salathiel.

Although no scientific investigation has been made of the three stone mounds at the Mill Seat Run Grove, it is assumed that the camp was used as a center for prolonged hunting trips. The trees, even today, are deeply marked with carvings and pictures, supposedly of Indian origin.

Stone tanning instruments, arrows and spearheads, many only half-finished, have been found in the vicinity. Because the arrowheads are of two distinct types and materials, it is believed that a battle was fought on the site, or perhaps the village was frequented by two different tribes. Many relics were discovered by Stalnaker when he and his twenty slaves were clearing the land for cultivation.

By 1820, the tobacco plantation—Stalnaker had chosen to follow the usual Virginia one-crop method of cultivation—began to repay the effort expended in developing it, and the planter felt justified in building a better home. On the bank of the Little Kanawha, where it still stands (1940), he built a two-story red brick mansion. Ten years later, the slaves, under Stalnaker's direction, erected a second building of home-made brick for Stalnaker's son. In later years flood waters weakened the foundation of the second structure and it was torn down, but before it was demolished, the home of Salathiel Goff Stalnaker served as the meeting place for the first session of the Gilmer County Court.

As western Lewis and northeastern Kanawha Counties grew, the settlement about the Stalnaker mansion increased to twenty families. When a post office was decided upon in 1835, William Stalnaker selected the name DeKalb. As a boy he heard stories of the gallantry and bravery of the Baron de Kalb from his father, who had served under the Baron in the Revolution, and the tales impressed the youth so thoroughly that de Kalb had become his lifelong hero. When his position as the richest landowner in the region that became Gilmer gave him his opportunity, he seized the chance to honor the Bavarian soldier.

The Stalnaker home served also as buying and selling headquarters for the farmers of the section. All hardware and supplies were hauled from Philadelphia to DeKalb, and from there distributed to the early settlers. Travelers in the region made the Stalnaker home their hotel. On

the old Indian trail from Parkersburg to the eastern settlements on the Monongahela, DeKalb formed a natural stopping place for settlers moving westward. For many years, DeKalb was more a post office and wayside inn than a town, its residents being largely transient.

In 1845 the people of the present counties of Gilmer and Calhoun who were weary of making the long journeys necessary to attend court at Weston or Charleston asked for a new county to be formed. Foremost among those men were Salathiel G. Stalnaker, Samuel L. Hays, Benjamin Riddle, and Currence B. Conrad.

As representatives to the General Assembly of Virginia, Samuel L. Hayes and Salathiel G. Stalnaker presented their arguments and the petition signed by the citizens of the dissatisfied section, and in response to their request, the General Assembly formed a new county and named it in honor of Thomas Walker Gilmer, a son of the Old Dominion who had been killed accidentally at the height of his career in 1844. Gilmer, born at Gilmerton, Albemarle County, Virginia, April 6, 1802, had represented Albemarle County in the General Assembly from 1829 to 1840 with the exception of two sessions, and had served as speaker of that body during the sessions of 1838 and 1839. Elected Governor of Virginia, February 14, 1840, he resigned a few months later to take a seat in Congress. February 14, 1844, he had been appointed Secretary of the Navy by President Taylor. Fourteen days after his appointment, a bursting gun on the war steamer Princeton, lying at anchor at Mount Vernon, ended his brilliant career.

On February 3, 1845, the General Assembly of Virginia granted the petition for a new county and passed an act “establishing the County of Gilmer of parts of the counties of Lewis and Kanawha,” and defined the boundaries of the new unit as follows: “Beginning at the corner of Braxton County line, situated at Left-hand fork of Three-lick fork on Oil Creek; thence a straight line to the fork of the road on Leading Creek, between Robert Benson’s and Aaron

Schoolcraft's; thence a straight line to the southeast corner of Ritchie County; thence with the Ritchie, Wood, and Jackson County lines, to a point where the latter crosses the West Fork of the Little Kanawha River; thence such lines as will embrace all the waters of the said West Fork of the Little Kanawha River to the Braxton and Kanawha County lines; thence with the lines of Braxton County to the beginning, the enclosed area to form one distinct and new county, and to be called and known by the name of Gilmer County."

The fourth section of the act provided for the location of the seat of justice, in the following language:

"The permanent place for the holding of courts in the county of Gilmer, now required by law to be held for the several counties of this Commonwealth, shall be at such place as shall be fixed upon by a majority of the votes of the people residing within the boundaries of the said new county of Gilmer, ascertained in the following manner, to-wit: It shall be the duty of the sheriff, other officers and commissioners conducting elections in said county for a delegate to the general assembly, at the time of taking the poll for the next annual election of such delegates, vis: On the fourth Thursday in April next, to open a separate poll for the purpose of ascertaining the sense of the people of said county, the land of William H. Ball at or near the point where the Weston and Charleston road crosses the Little Kanawha River, or the town of DeKalb. The said poll shall contain two columns, one headed with the name of the former, and the other with the name of the latter place, and the one receiving the greater number of votes shall be the seat of justice of the county."

It was the enforcement of this clause that spoiled DeKalb's chances of becoming the county seat and caused the dispersal of the town's inhabitants, and, for all practical purposes, the eventual disappearance of the town itself.

Section five provided for the holding of the first county court: “The justices of the peace commissioned and qualified for the said county of Gilmer, shall meet at the home now the residence of Salathiel G. Stalnaker, in the town of DeKalb, on the fourth Monday in March next, and a majority of them being present, shall proceed to the appointment of a clerk of the county court of the said county, a commissioner of the revenue, and surveyor of lands for the said county of Gilmer.”

In compliance with the above section, the first county court held in Gilmer County convened at the residence of Salathiel G. Stalnaker, on March 24, 1845. The following justices, all holding commissions from the governor of the commonwealth, composed the court: Benjamin Riddle, Michael Stump, Beniah Mase, Barnabus Cook, Samuel L. Hays, Alexander Huffman, Salathiel Stalnaker, Currence B. Conrad, William Bennett, Philip Cox, Jr., Robert Benson, Joseph Knotts, John F. W. Holt, James N. Norman and William Arnold. Each of these presented their commissions, took the various oaths prescribed by law, and the court was opened in due form. The court’s first act was the appointment of Francis Vannoy to the position of crier of the court.

The next business day was the election of a clerk, and Benjamin Riddle, Philip Cox, Jr., Currence B. Conrad, Anthony Conrad, Isaac Arnold, Henry Stump and George H. Beall were nominated. Four Ballots were taken, with none of the candidates receiving the required majority. A motion made to defer the election until the next term prevailed, and James M. Camp, Jr., was then unanimously chosen clerk pro tem. He at once took the several oaths and entered upon the discharge of his office.

The first bar of Gilmer County was formed when Lewis Maxwell, James Bennett, Preston H. Adams, Jonathan M. Bennett, Enoch T. Withers and John E. Hays, all having a license to

practice in the courts of the Commonwealth, were, on their motion, granted permission to practice law in the courts of the new county.

The court then proceeded to elect an attorney to prosecute on behalf of the State. Enoch T. Withers, John E. Hays and Jonathan M. Bennett were nominated; the court showed Bennett the victor with a plurality of eight votes.

The election of a county surveyor being next in order, Thomas Marshall, Michael Stump and Milton Norris were announced as candidates. The vote gave Michael Stump half of the sixteen votes, Marshall, seven, and Norris, one. Before the result was announced, however, the vote for Norris was withdrawn and given to Stump, who then had a majority and became thereby the first duly elected surveyor of Gilmer. Incidentally, Stump was the surveyor who, five years earlier, had surveyed and set the boundaries of DeKalb.

Benjamin Riddle, Beniah Mase and Barnabus Cook were then recommended to the governor as fit persons to execute the office of sheriff of the county for the ensuing year, and Salathiel G. Stalnaker was unanimously chosen to serve as commissioner of the revenue for the same time. William Stalnaker and Francis Vannoy were recommended to the executive as “fit and proper persons to execute the office of coroner with the county.” Henry Stump, John G. Springsten, Currence B. Conrad, S. L. Hays, Joseph Knotts, Alexander Huffman and Townsend H. Beall were appointed school commissioners.

Since the appointment of sheriff was delayed by the time needed for a messenger to ride to Richmond and return, it was ordered: That George Lynch, at William H. Beall’s precinct; Joseph Stump, Sr., at James Norman’s precinct; Nathan Stout, at Heseekiah Stout’s precinct; Francis Vannoy, at DeKalb; Hiram Riddle at Jerkland; and Joseph Knotts at West Fork be appointed to superintend the election as required by law. Commissioners of election were then

appointed, as follows: Philip Cox, Jr., Esekial T. Townsend, John W. Stout and Jesse Stump to superintend “the taking of the polls” at Stout’s precinct: Samuel L. Hays, William Ball, Thomas C. Connely, Thomas H. Brannon and Thomas Goff at Ball’s precinct; George H. Bell, Salathiel G. Stalnaker, William Bennett, Alexander I. Pickens and Stephen T. Benson at DeKalb; Alexander Huffman, Beniah Mase, Joseph Mase and M. H. Haverty at Jerkland; Michael Stump, Semour Norman, Benjamin Arnold, Henry Stump and William Boggs at Steer Creek; P. Hays, William Arnold, Charles D. Arnold, Abram Helmick and George Lynch, Jr., at West Fork. The crier of the court was ordered to notify them severally of their appointments.

The court then proceeded to divide the county into districts, the record says, “for the better accommodation of the collection of debts and taxes,” and thereupon it was ordered that the West Fork of the Little Kanawha and its waters form one constable district, to be known as district Number One, and that Kanawha River and its waters form another to be designated as district Number Two.

Samuel Bell was unanimously elected constable in the first district. He appeared in court and gave bond with approved security, as required by law. In the second district, Samuel Whiting, George Fling, Joseph Mase, Jonathan I. Bennett, George Lynch, Samuel M. Brannon, James C. Springston, Robert Bennett, Stephenson T. Benson, Thomas M. Brannon, and Philip D. Cox were elected constables.

Joseph Knotts asked permission to celebrate the rites of matrimony within the county, and it appearing to the court to be inconvenient to get a minister legally authorized to perform that duty, license was granted to the said Joseph Knotts, who, with Peregrine Hays and William Arnold as his bondsmen, entered into a bond in the penalty of \$1,500, “conditioned as the law directs.”

Then Benjamin Hardman, for the same reason, was granted a license to perform the same duty, and with Benjamin Riddle and Beniah Mase as his securities, gave bond in the penalty of \$1,500. The court then adjourned until the next morning at nine o'clock.

On March 25, 1845, "the court proceeded to lay off the county into suitable districts for the overseers of the poor, and thereupon the court is of opinion and doth order that the West Fork and its waters, Steer Creek, Little Kanawha below the mouth of Steer Creek, Lower Leading Creek, and Yellow Creek, do form the first district for the overseers of the poor; and that the Little Kanawha River and its tributaries, within this county above the mouth of Steer Creek, compose and form the second district, and the court doth appoint the second Saturday in April next as the day of election of overseers of the poor in both of said districts. The election in the first district to be held at the house of Benjamin Riddle on the said day aforesaid, and that Francis Vannoy be and is hereby appointed to superintend the taking of the polls at said Riddle's in the second district."

It was also "ordered that Jonathan M. Bennett be appointed a commissioner for the purpose of purchasing the necessary blank books for the use of the clerk of this court, and for the surveyor of the county."

Furthermore, "on motion of Salathiel G. Stalnaker, leave is given him to keep a house of private entertainment in the town of DeKalb, until the first day of May term next, and it appearing to the court that there is no sheriff, and also that the said Salathiel G. Stalnaker is commissioner of the revenue, upon his paying over to said clerk the amount assessed by law, the court being of the opinion that the said Stalnaker is a man of honesty, probity, and good demeanor."

Most of the machinery of government had now been set up and the administrators of the law appointed. Even provisions for the detention of the law's violators had been arranged for by the court ordering that the house of Salathiel Stalnaker be used as a prison house until one could be built. Michael Stump, the newly appointed county surveyor, had, as his first official task, with the assistance of Philip Cox Jr., and Stephen L. Burson, the job of making the rules and laying out the bounds of the prison of the county. Ten acres of land adjoining the house of Stalnaker were to be used for this purpose, by order of the court.

The prison commissioners wasted no time in making their report, which stated that they had laid off the following as the prison bounds: "Beginning at a beech standing on the north bank of the Little Kanawha River, above the house of A.I. Pickens, and the beginning corner of the land of William Stalnaker; and from thence a straight line to the forks of Mill Seat Run, and with said run to the mouth thereof; thence up said river with the high water mark to the point opposite the beginning containing ten acres; which report is received, and the bounds marked and laid out as aforesaid adopted as the prison limits of the county."

With a site for the county jail arranged for at DeKalb, there would seem to be little question as to just where the county government would be located, and perhaps, at that time, much was the case.

The first criminal warrant ever issued in Gilmer County was issued by Joseph Knotts, Justice of the Peace, for the arrest of John C. Collins, who was charged by the Commonwealth of Virginia with the theft of a brown mare and a sorrel colt. This warrant was issued May 27, 1845, and at the June term of court, upon preliminary examination, the prisoner, John C. Collins, was placed in jail pending the hearing of the evidence the next day. John C Collins pleaded "not guilty" and upon trial was so pronounced by the court.

The report of the prison commissioners was accepted, and after attending to some other business of minor importance, the court proceeded to the examination of the poll books in the selection of a site for the erection of the public buildings. A motion to scrutinize the polls, striking there from all the votes that should appear to be illegal, was defeated, and examination proceeded.

Prior to the establishment of the county seat at Glenville, that place had been known as “The Ford” for the reason that the old state road from Weston to Charleston there crossed the Little Kanawha River. Samuel L. Hays laid out the town on the land of William H. Ball and Colonel C. B. Conrad named it Glenville because of its location in a glen or valley.

There were only a few settlers living near “The Ford” at that time. The three men who were most instrumental in the effort to have the court removed to “The Ford” were William H. Ball, C. B. Conrad and Samuel L. Hays. These men all owned property near this place and in addition the change would place the county seat on a state road. The first person known to have settled at “The Ford” was William Howell who in 1812 erected a grist mill at that place. There is no other record concerning him.

The examination of the poll books showed that a majority of 66 votes favored “The Ford” as the site of the county seat in preference to DeKalb, and the crier was ordered to make proclamation of the result from the courthouse door. Having ascertained the will of the voters and proclaimed the same, the members of the court were now divided as to whether they should adjourn the present term to “The Ford,” or continue at DeKalb until the public buildings should be erected at the legally chosen capital. It was finally agreed to hold the remaining sessions of the current term at DeKalb.

As the date of the opening session of the June term neared, the argument over the matter of moving the court to Glenville again reached fever-pitch. The justices were again divided on the matter of adjourning the June term of court to the new location. Among those who favored continuing at DeKalb was the clerk, James Camp, who refused to bring the records to Glenville.

As a result, the citizens of the county were treated to the spectacle of their government divided and holding – or at least trying to hold – sessions in both of the towns laying claim to the county seat. The members of the court favoring the removal to Glenville convened at that place on the morning of June 12, 1845; for the purpose of holding court, but without the court records they could do nothing. Those opposed to the removal met the same morning at DeKalb and, being in possession of the records, went on with the court.

Checkmated by the refusal of the county clerk to surrender the court records, the administration at Glenville conceived a bit of a strategy to accomplish its aim. On the opening day of the term, the Glenville group had agents stationed at DeKalb. Late in the afternoon, the agents learned that with the group already at Glenville and certain persons in the DeKalb court who were favorable to Glenville, their forces had a majority of the regular court and could consequently carry the question to a vote with assurance of victory, provided that those at Glenville arrived before time for adjournment.

When the messengers had delivered this news, the Glenville members of the court immediately secured saddle horses and, taking a circuitous route to avoid detection, hurried down-river to a point opposite DeKalb, where they recrossed the river and entered the court room just as the floor was opened to a motion of adjournment. The Glenville supporters moved to adjourn to Glenville. The vote was taken and led by the triumphant Glenville clique, the entire

body adjourned, to meet the next morning at nine o'clock at the house of Thomas Marshall in Glenville.

With the court finally established at Glenville, Benjamin Riddle presented a commission from the governor appointing him first sheriff of the county, Michael Stump was commissioned surveyor of lands and William Stalnaker, coroner. Stalnaker and Thomas M. Brannon were appointed deputy sheriffs.

A committee including Samuel L. Hays, Robert A. Benson, Philip Cox, Jr., and Michael Stump was appointed to select a site for the necessary public buildings of the county. This committee reported to the court the same day that they had filed a deed from William H. Ball and his wife, Christian, conveying to the county the title to the beautiful eminence upon which the present courthouse stands.

Joseph Knotts, Currence B. Conrad and William Ball were appointed by the court to let contracts for the construction of a jail, courthouse and clerk's office and to superintend the erection and completion of these structures. The jail, it was decided, should be of wood, after the pattern of the Ritchie County prison and was not to exceed by more than \$50, the cost of that building. Three thousand dollars was the amount to be spent on a brick courthouse, to be completed by Nov. 1, 1848, and to be paid for in five annual installments.

The work of organizing the county government was now completed and the plans for housing it was well under way – or so it was thought. A legal tangle over the land for the site of the courthouse, despite the fact that the deed had already been transferred, caused the county court to accept an offer made by Salathiel Stalnaker, who proffered the use of his home, free of charge, as courthouse and jail, and on February 23, 1846, the county seat was again removed to DeKalb.

Only two months elapsed however, before the promised site at Glenville was given to the court, and the citizens of DeKalb again watched the members of the government leave, to meet April 28, 1846, at the home of William Ball in Glenville, where they continued to meet until the courthouse was completed, about 1850.

When it became obvious that Glenville, regardless of arguments and misunderstandings, was assured of becoming the center of the county, the decline of DeKalb was rapid. Singly and in pairs the residents of the town moved away, abandoning the land that surveyor Michael Stump had divided into building lots.

The swift deterioration that envelops uncared -for and deserted buildings soon leveled the homes of DeKalb to the ground and the underbrush hid what the weather did not destroy. Only the old brick house of William Stalnaker remains today. The battered old place is now only the dwelling house of a bottom land farm, instead of the show place - that it might have become - of the county seat of Gilmer.

As is almost inevitable in such cases, the old house has acquired a ghost. The spirit of Daniel McCune, who, says local tradition, was tried, convicted and sentenced here for the murder of Jonathan Nicholas, in 1843, and who died in prison, roams the paths of DeKalb and lingers in the halls of the disintegrating mansion, where it will doubtless stay until this first and last home at DeKalb is destroyed by time and the elements.

Like the old trees with their strange Indian carvings and the old cemeteries where the first settlers and the Stalnaker slaves are buried, the house and its legends have become a marker to an era that is gone. Fate decided against the town of DeKalb when Gilmer County was born.

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