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### ADDRESS OF HON. JOSEPH SPRIGG, OF CUMBERLAND BEFORE THE W. VA. STATE BAR ASSOCIATION

FATHER OF THE WEST VIRGINIA BAR ASSOCIATION MAKES MAGNIFICENT SPEECH.

In addressing the West Virginia Bar Association, Hon. Joseph Sprigg, of Cumberland, Md., said in part:

Mr. President and Gentlemen of the West Virginia Bar Association:

At this season of the year, when "Peace on earth and good will to men" is the sentiment uppermost in the minds and hearts of most men, I am delighted to meet and exchange fraternal greetings with the members of this Association. It was, indeed, exceedingly kind and thoughtful in you gentlemen, to invite me to meet with and talk to you on this anniversary occasion; and, from the bottom of a grateful heart, I thank you for it.

I accept your very kind and courteous invitation with great pleasure, because I desired to renew old friendships and make new acquaintances among the members of the West Virginia Bar. Such an invitation from such a body of men, whose aim is to advance the science of jurisprudence; promote reform in the law; facilitate the administration of justice; uphold integrity, honor and courtesy; and cultivate cordial intercourse among members of the bar, I esteem a great distinction and honor. I assure you, gentlemen, I appreciate and prize it much more than I am able to express in words. This occasion, and my connection with it, will always be one of the very brightest memories of my entire life.

I understand I have been enticed within your jurisdiction, to answer a charge made against me in connection with the formation of this Association. I have been told some body charges me with being the father of this Association. This is a serious charge. Permit me to say, Mr. President, in the beginning, that I have reached that period in life when men are disposed to avoid trouble of all kinds. I am not so combative, and do not like "a scrap" so much as I did in days gone by. Hence, to this grave charge, I shall simply enter the plea of Nolo Contendere. Here I am, completely in your power, and you may render such a verdict in the case as the law and the facts seem to justify.

Mr. President, although I have the right to testify in my own behalf, I shall not say a great deal concerning my connection with the formation of this Association. Truth, however, requires me to confess, that I did have a humble part in the transaction. I am not now, and never have been, ashamed of what I did towards the organization of this Association. On the contrary, I have always been exceedingly proud of it, and "if that be treason," make the most of it. I am ready to accept all the responsibilities and consequences resulting from my conduct in this regard. I will go a step further and say, that I have always regarded the acts I committed in promoting the formation of this Association, as the most commendable in my whole career.

Mr. President: If I am guilty, "there are others." If my memory is not exactly at fault, you, sir, should be numbered with the guilty crowd. And, there is my friend Mr. Wm. P. Hubbard—he is more guilty than both of us. There are not many of the old crowd left, but it seems to me we should all be punished alike. So far as I am able to see, there is very little difference in our guilt. When this Association was formed, a little over twenty years ago, there were few lawyers in this State who hoped or expected it to live to celebrate its 20th birthday. When I first mentioned the subject to some of my lawyer friends, I confess I met with slight encouragement. Various reasons were assigned why such an association could not be organized, and if organized, could not be sustained in this State. Political feeling and prejudices were running pretty high in the State, at that time, and many thought that fact would prevent the formation of such a body upon a proper basis. Another objection urged was, that the formation of such a body of lawyers would tend largely, to increase the then existing prejudices among laymen against lawyers; that such an organization would result in harm to lawyers and in no good to the State and the administration of the laws. There

was another objection urged; and this latter objection I regarded as more serious than any other. Many of you remember, of course, the lack of railroads and other transportation facilities in the State at that time, and how very difficult, expensive and inconvenient it was to travel from point to point in the State. A great many members of the Bar with whom I communicated, on the subject, insisted that the lawyers of the State would not undergo the expense and inconvenience of travel to attend the meetings of the Association, and even if organized, it would go down for this reason, if for no other. No doubt there were other objections urged, but I remember these as the ones most frequently urged.

When I was a citizen of this State, my home was in the valley of the South Branch, and I still have a vivid recollection of the time and money it required to make a trip from my home to the seat of government. Therefore, I had myself some misgivings as to the success of the Association, on this score.

Those of us who desired the formation of this Association, fully realized and recognized the potency of all the various objections urged against it; but, the oppositions urged were more imaginary than real. We thoroughly satisfied ourselves that we could "advance the science of jurisprudence" and "facilitate the administration of justice" much better with such an organization of lawyers, than without it; that as an organized body with high aims and ideas, the lawyers of the State could greatly promote the best interests of the public as well as of the profession. So we persisted in our efforts to form this Association.

I believe I communicated, either personally or by letter, with most all the lawyers in the State, and set forth to them as best I could, the advantages to be derived from such an organization as this. I succeeded also in interesting several of the leading newspaper men of that day. They opened their columns to me and other friends of the enterprise, and several strong articles were published, favoring the organization of the lawyers into such an Association. Quite a favorable interest and sentiment was created in this manner. In all this work I was earnestly and ably assisted by brother members of the bar in different sections of the State. Among others I recall the names of Mr. Wm. P. Hubbard and Col. Robert White, of Wheeling; John J. Davis, Sr., and Judge G. D. Camden, of Clarksburg; Charles J. Faulkner, Jr., of Martinsburg; John A. Hutcherson, of Parkersburg; and the late Judges Green, Haymond, Johnson and Armstrong. All the members of

the bar in the Circuit in which I lived rendered efficient aid also.

Finally, we determined to call a meeting of the members of the bar, and make the attempt to form an Association. After careful consideration, we fixed on Grafton, as the most accessible and convenient place to hold our meeting. A call for a meeting of members of the bar, signed by 18 or 19 lawyers from different sections of the State, was published in nearly every newspaper in the State. The day named for this meeting was July 8th, 1885. On that day there were present, including the local members of the bar in Taylor county, fifty-nine lawyers. Although it was, comparatively speaking, a small meeting, still we were greatly encouraged by reason of the enthusiasm and determination manifested by all those present. It was urged among us that day, that we knew no such word as fail, at least in this matter. Then and there, in the Court-house, The West Virginia Bar Association was organized. Eighteen of the counties in the State were represented in that first meeting. Forty-three of the lawyers present that



JUDGE U. S. KENDALL, Of This City, Member State Bar Association.

day became members of the Association, by complying with the provisions of the Constitution then adopted, and I believe all the others subsequently became members.

I am quite sure all who were present at that first meeting enjoyed it, and we returned to our respective homes determined to leave nothing

undone or unsaid, that would tend to promote the success of the organization, and the aims and principles for which it stood.

That meeting fully demonstrated the utter fallacy of the claim put forward by some, that political prejudices and feeling would prevent the organization of such an Association on a proper basis. There were several pretty strenuous political partisans present that day; yet, not a word was said by anybody about politics in any form. I really do not believe any one present even thought of politics that day. We had no difficulty whatever in formulating and adopting a constitution and by-laws for the government of the Association, to which, I think, all fair-minded men could assent.

Before my "somewhat sudden exit from the State" (as Brother Wm. P. Hubbard expressed it at your last meeting) I had the honor, and at that time, I was fully persuaded the West Virginia Bar Association had been planted upon firm and lasting foundations, and would live long after many of the "doubting Thomases" were dead and perhaps forgotten.

This Association started off with 43 members, representing 18 of the counties in the State. It now has a membership of over 300 representing 48 of the counties in the State. I think we may well consider this quite a gratifying success. Mr. President, no member of your Association rejoices more sincerely over the success it has enjoyed than I do. Although this is the first time, in many years, that I have had the honor and pleasure of being with you, I assure you that I have always been with you in spirit. True I have been a citizen of "Maryland, my Maryland" for quite a number of years, but my heart has always been in West Virginia. I have rejoiced with you in her wonderful development, in her increasing wealth and influence in the family of American States. I trust her wealth and influence may continue to expand; and that she may soon occupy a commanding position in the Union in favor of good

government and justice. I am sure the Association was formed, and shall until the present, be proud to call it my country. With this vast increase in the money power of the country, of course, all branches of industrial pursuits necessarily increased in proportion, so that we are today confronted with many serious and far-reaching problems in popular government.

Now, Mr. President and gentlemen, turn over a leaf, and other changes that have occurred since the formation of this body, remind us that we are mortal and must die. Many of our former friends and brothers who were

men must confess that there is about our season for this morning. There is the body politic, like a cancer, and is growing at a very rapid rate.

Our form of government, in theory at least, gives more rights to the citizen than any other known to me. But many citizens think so little of their obligations to this government, and to the general public welfare, that they seem indifferent as to what is going on all around them, so long as they do not feel the effects thereof directly. The American people are accustomed to look on our form of government as a natural condition. That

### JUDGE STAFFORD'S FINE ADDRESS

THE AUDIENCE WAS GREATLY PLEASED WITH SPEECH ON "THE LAWYER."

Below is given in part the address of Judge Wendell Stafford before the Bar Association last night. Judge Stafford said:

There are lawyers by nature just as there are poets by nature. They are endowed with two great gifts, male intellectual, the other moral. There is the power to perceive the true relations of things, and the other is the disposition to see justice done. This ability to see the true relations in which things stand to each other—what is it but common sense magnified? And who will not admit that common sense is always a gift of nature? If you know of any college that can confer an honest degree in common sense, let me know—I want to send my boy there. It can't be done if he was born with it; the school will give it breadth and power. If he was born without it the school will only make the deficiency conspicuous. The Spaniards have a proverb, "A fool is never a great fool until he knows Latin." We have all seen lawyers who would have been stronger if they had relied more on their reason and less on their reading. Even on the bench I have known men who would have been better judges if they had been poorer lawyers. When all is said it is mother-wit that runs the world. Probably you laughed awhile ago, as I did, over that story in the Law Review concerning a famous jurist who was fording a little brook in his chair and trying to wet the dry wheels by backing again and again into the stream, and finding that each time he wet only the same part of the circumference. An old darkey observing his efforts ventured to help him by turning the wheel round and round in the water until the felloe and spokes were all wet. "I never thought of that," said the absent-minded judge. He must have been greatly consoled by the reply: "Oh, well, some folks just nat'ly has no sense than others, anyhow."

How often we have occasion to return to that profound saying of Bacon, "Books teach not their own use, but that is a wisdom without them and above them won by observation." It was common sense that made the law, and it is common sense that must apply it. In the war between our States a Massachusetts regiment was to be transported by train. The locomotive had broken down. Is there any man here that knows how to mend this engine?" asked the Colonel. A private stepped out of the ranks and patted the machine, saying, "I ought to; I made her." That is what happens when the real lawyer puts his hand to the law. Some of the best lawyers were never admitted to the bar. More than once I have been consulted by some country magistrate, some backwoods justice of the peace, constable, or plain farmer, who has shown such a clear perception of the principles, such a firm grasp of the situation, that I have felt like saying, "Why do you come to me for counsel? It is I that should learn of you." Of course, there are some questions that depend for their solution upon technical learning, but they are not a large proportion. Barring these, I believe it is possible to state any correct judgment in terms that will satisfy the common mind. I always distrust a decision that cannot be made intelligible to the ordinary understanding. When Marshall was delivering one of his subtle, far-reaching opinions a political opponent whispered to his companion, "It's wrong, all wrong." "Yes," replied his colleague, "but the man does not live that can point out where in it is wrong." I do not pretend to say that the criticism was just in that instance. But when that is the impression left upon a fair and candid mind, a feeling that the argument may be right, but that the result is wrong, the probability is that the opinion is wrong. If it is not wrong there has been a failure to put it on the true ground, Luke Poland, of Vermont, was one of the best judges and legislators we ever had. A friend of his, not a lawyer, had been elected justice of the peace. The judge said to him, "I will give you a little advice. You will get along well enough if you never give any reason for your decisions. You are a pretty sensible fellow, and nine times out of ten your judgments will be right, but if you try to tell why, the chances are you will make yourself ridiculous." The true tests are those that shine by their own light. The sound judgment has a way of justifying itself even to the man in the street. It is the business of learning to make itself plain to the unlearned. Greatness can afford to be simple. And the highest wisdom uses the humblest language. It is weakness and uncertainty that make refuge in obscure phrases. Have I not read of some sort of fish that secures its escape from its enemy by diffusing an inky substance through the water? Dead the great judgments of Mansfield, of Marshall, of Gibson, of Shaw. How they comment themselves to the unsophisticated reason. Take one of Ben Franklin's sayings, one of Aesop's fables, one of Lincoln's stories, how they find their way to the hearts and understandings of the masses! Chaucer used to say that Webster's words passed current like coin among the people. So do the plain-dealing words

(Continued on Eighth Page.)



JOHN L. LEHMAN, A Member of Committee on Banquet.

present and participated in the organization of this Association are not here to-day. They have fished their life's work and have crossed the mystic river into the great unknown beyond.

Our departed brothers were all good citizens, honorable gentlemen, good lawyers, and in both public and private life endeavored faithfully "to uphold integrity, honor and courtesy in the legal profession" and "to facilitate the administration of justice." Several of these deceased brothers were very near and dear personal friends of mine. I miss them greatly. May "they sleep in peace, and wake in joy."

Among those who were present when this Association was formed, and who have since died, I recall the names of Judges James D. Armstrong, of Romney; G. D. Camden, of Clarksburg; J. Marshall Hagans, of Morgantown; and A. F. Haymond, of Fairmont. James Morrow, Jr., of Fairmont; R. E. Fess, of Morgantown; J. D. Ewing, of Wheeling; John A. Hutcherson, of Parkersburg; A. B. Parsons, of St. George; Benj. F. Martin, of Grafton; and Saml. L. Flourney, of Charleston. Perhaps there are others, but these are all I now recall. All the men I have mentioned were earnest friends of this organization and the principles and purposes for which it was created to promote.

Mr. President and Gentlemen: In my judgment, there is much more necessity for the continued existence of this Association than there was for its formation, twenty years ago. If you will bear with me for a short time, I will endeavor in my humble way, to give you my reasons for making this statement. A distinguished ex-Presi-

dent of our government is mortal and can die as a thought utterly foreign to the average American citizen, and they'll tell you it is folly even to discuss the subject. History does not, however, encourage this cheerful view of the situation. Perhaps this is the best Republic that ever existed; but, it is not the first nor the oldest.

Mr. President: We may count our wealth as the sands of the sea, and our "Captains of Industry" and "High Financiers" by the hundreds of thousands; the domes of our capitals and the spires of our churches may pierce the clouds and glitter among the stars; but, unless these people are welded together by those high principles of law and morality which form the foundations of enlightened citizenship, all must and surely will crumble away into utter ruin and decay. External grandeur counts for nothing, if there be no civic virtue and aggressive patriotism in the people. "The reign of the law is the rule of the people." When the laws wicket and corrupt men feast and fatten at the public expense. Under such conditions the public conscience is asleep, and the laws become mere merchandise on the market. Then the Republic is in danger.

In closing the speaker said: Mr. President and gentlemen: I most humbly ask your pardon for having trespassed upon your time and patience so long. I thank you for the patient attention you have given my poor effort to say something to interest you. Permit me again and again, to thank you for your kindness and consideration of me; and most sincerely do I wish you all a happy and prosperous new year. "God be with you till we meet again."



KEMBLE WHITE, Of Fairmont, Member State Bar Association.

dent of the United States Senate, in a carefully prepared opinion recently said: "The grave danger, now confronting this Republic is the growing contempt for law."

Fairmont theatre-goers are fortunate in having "San Toy" during the Yuletide, as it is one of the very best attractions on tour. If you see it in the West Virginian

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government and "a square deal" between man and man. In the formation of, and for the success of this Association, I relied on the intelligence, broad-mindedness and patriotism of the West Virginia lawyers. I rejoice to know that I was not mistaken in my estimate of them. If I had over-estimated them, we would not be here today celebrating the 20th anniversary of the West Virginia Bar Association. Mr. President: many changes have occurred during the twenty years existence of this Association. The world has never known or seen such tremendous strides of advancement in all the sciences, arts, commerce, manufacture and general wealth. With only about a 20th of the world's inhabitants, this country has two-thirds (\$14,000,000,000) of the world's banking power (capital, surplus, deposits and circulation.) Our ascendancy in this respect has been acquired in the two last decades. Since 1890 the world's banking strength has grown 195 per cent., while that of the United States has expanded 170 per cent., and that of New York City 200 per cent. Of the \$2,500,000,000 of weekly average of the bank clearings of the 93 cities which make reports, New York contributes two-thirds. New York's bank clearings average 25 per cent. in excess of London's. None of the numerous evidences of the increasing wealth of our country are more striking than the growth of bank deposits, including State and National banks. In 1890 the bank deposits in the United States were \$1,000,000,000. In 1900 there was a gain of 46 per cent.; in the next four years there was a gain of 35 per cent., and the figures are 135 per cent. above last year, and 180 per cent. above 1890. Of the nine years increase \$598,000,000 was in New England, \$2,961,000,000 in the eastern States, \$445,000,000 in the South, \$1,538,000,000 in the Middle West, \$102,900,000 in the far west and \$387,000,000 on the Pacific coast. I. Rip VanWinkle like one had