Legislature, to take effect on the 24th of that month. On the 18th of February, 1862, Judge Brown resigned his seat in the Constitutional Convention, and the next day qualified as Judge of the Eighteenth Circuit, composed of the counties of Putnam, Cabell, Wayne, Mason, Jackson, Roane and Kanawha. His experience as Judge was a very trying one. Much more so than his arduous duties at Wheeling, in the Convention Legislature and Constitutional Convention, surrounded and protected as he was by the military forces.

In his new field he encountered many dangers. While holding court in Point Pleasant, Mason county, the Confederate cavalry came upon him, and to escape capture he was compelled to flee across the Ohio River under heavy fire. More than once he had to evade the enemy by flight. But he shrank not from the discharge of his duty, and while he was Judge of the Circuit he missed no term of the court. On the 5th day of February, 1863, he was elected a member of the Constitutional Convention to fill the vacancy caused by his own resignation. The Convention had submitted to Congress a Constitution which Congress refused to accept until an amendment should be adopted abolishing slavery in the new State. The Convention reassembled to consider that amendment. Judge Brown disapproved the action of Congress. He did not think Congress ought to require the emancipation clause as a condition precedent to the admission of the new State. But there was no other way than to yield. The people of Western Virginia had long smoldered under the acts of injustice in the matter of taxation by the Virginia Legislature, which imposed a system of taxation which was unequal and unjust. Their young slaves were exempt from taxation, while all the property of the people of the western part of the State was taxed. Again there was great injustice in the system of internal improvements. The people of the east having a majority, would improve their section, to the neglect of the people of the west. Our people complained bitterly at their treatment and said, they were "hewers of wood and carriers of water" for the people of the east.

These wrongs were known and felt by all our people, and by none more than Judge Brown. In many of his impassioned
speeches, he warned the people, that “secession executed, would result in a division of the State of Virginia as certainly as the dripping clouds on the crest of the Alleghanies parted their waters to the east and west.” He was one of the earliest advocates of the new State of “Kanawha,” afterwards changed to “West Virginia.” Now, after all his struggles, and the struggles of his compatriots, he thought it hard that Congress should throw this new obstacle in the way of those who had made such sacrifices for the Union. But there was nothing to do but yield, which they wisely did. The amendment was adopted and ratified by the people at the polls, and West Virginia was admitted into the Union as one of the Sovereign States. Judge Brown was one of the great men in West Virginia that accomplished this great and glorious result. West Virginia had now been recognized by the two political departments of the government. That was sufficient; but afterwards, in the great suit brought by Virginia vs. West Virginia in the Supreme Court of the United States to reclaim jurisdiction over the counties of Berkeley and Jefferson, 11 Wall 39, the court reviewed the situation, and held that West Virginia had lawful jurisdiction over those two counties, and over all its territory. So it is absurd now for any one to question the legitimacy of West Virginia. The State is the fair, the beautiful, strong and accomplished daughter of Virginia, with no shade of suspicion as to her legitimacy. Judge Brown might well have been proud of the great success which crowned his arduous labors, with others, to see West Virginia one of the States of the Union.

The new State of course had its judiciary. As was proper and right, Judge Brown was one of the first Judges of the Supreme Court of Appeals of West Virginia. He was elected on the 28th day of May, 1863, and held his office for eight years, until the term expired. He was then renominated for the office but was defeated with the ticket. Again in 1876 he was nominated by his party, but was again defeated with his party.

In 1875 he was the caucus nominee of his party for United States Senator. His party being in the minority, he was not elected.

In 1880, and again in 1886, he was by his party nominated
for Congress, but was each time defeated with all others on his ticket.

As a Judge of the Supreme Court of appeals he had to decide many intricate questions and many important cases. He was always firm, conscientious, forcible and able in his decisions. He had been well prepared for the position by general culture and hard legal study. It can be said with emphasis of his judicial career, that he was an able, upright and conscientious Judge.

After his retirement from the bench, he resumed his law practice in partnership with his son, Hon. J. F. Brown. This son never got away from his early training, and was therefore a Democrat. In 1882 the Judge was nominated by the Republican party as a candidate for the House of Delegates from Kanawha county, on a ticket with two others, the county being entitled to three delegates. His son, Jas. F. Brown, was, with two others, nominated by the Democrats for the same position. J. F. Brown and J. M. Collins, another Democrat, and Judge J. H. Brown, Republican, were elected; thus they met in the political arena on opposite sides. In that House of Delegates Judge J. H. Brown was the acknowledged leader on the Republican side.

While he was Circuit Judge no appeal or writ of error was taken to any of his decisions. In the Constitutional Convention that formed the new State Constitution, he was chairman of the Judiciary Committee, and had more to do than any other member of the Convention in shaping those great provisions in the Constitution, so necessary to the protection of the lives, liberty and property of the citizen.

In 1881 he was a delegate from the West Virginia State Sunday School Convention to the International Sunday School Convention at Toronto, Canada.

In 1883 he was a commissioner from the Presbytery of West Virginia to the Presbyterian General Assembly at Saratoga.

In 1888 he was a delegate from the West Virginia State Bar Association to the National Convention at Washington,
D. C., that formed the National Bar Association, and was chairman of his State delegation.

In July, 1888, he attended the National Educational Association at San Francisco.

In 1891 he was a delegate to the National Mining Congress held at Denver, Colorado, and was a member of the Executive Committee.

Although he retired from the active practice of the law in 1885, his interest in public affairs in no wise abated. He devoted himself to literary pursuits, reading and travel, and up to the time of his death kept abreast of the times with the best. He was an earnest member of the West Virginia Bar Association from its first meeting in Charleston, and took great interest in its proceedings.

He retained his physical vigor up to his last brief illness; and his mental vigor unimpaired, until the grim reaper stood in his presence, when he obeyed the summons at the ripe age of nearly eighty-two.

He was twice married, first to Louisa M. Beuhring, daughter of Hon. F. G. L. Beuhring, of Cabell county. She died in 1872. In 1879 Judge Brown married Sallie G. Lovell, widow of Fayette A. Lovell, and daughter of W. D. Shrewsbury, Esq., who survives him.

He left surviving him six children, Hon. Jas. F. Brown, of Charleston; Benjamin Brown, of Denver; Mrs. J. F. Bickman of Denver; Mrs. W. S. Laidley, Mrs. T. L. Barber, and Miss Nellie Brown, all of Charleston. He was a man of strong constitution; during his long life seldom ill, but took a violent cold, which developed into pneumonia, and on Sunday, October 28th, surrounded by his wife and children, he "crossed the bar" and met his "pilot face to face."

Judge Brown was a deeply religious man. He was a Presbyterian and believed the tenets of his church; but his was a broad Christianity and embraced all who followed "the Master" of whatever name they might be.

He was a domestic man; a lover of home and home joys. The man is best known in his home. It is there where his real character shows itself. There was about his home life a
simplicity and dignity, a tender consideration for all, even the smallest, a gentleness and at the same time a sense of authority, which, while commanding reverence, never repelled, but drew all to him, with a closeness and affection seldom equalled in any home. No grandchild of his was too small, nor its pleasures or sorrows too insignificant to interest him, or receive an attention that won its love. The frost of age showed only in his whitened locks, never in his heart. His last employment was in assisting the little ones in laying off and preparing a “tennis court,” in which he worked as hard and took as much interest as the least of them.

He was eminently just in his home, leaving that impress on all, but with it combined in rare degree, those qualities that drew his dear ones very near to him indeed. While those of his home honored his life and character in those aspects with which the world was acquainted, they loved the side that showed itself at home.

He was a man who calmly formed his opinions, and then dared ever to maintain them. He never counted the cost when he conceived there was a principle involved. None ever knew a more striking instance of unswerving moral courage. He was never known by his most intimate friends to shirk or flinch, when put to the test. Policy, interest or influence counted for naught, in determining his views, or shaping his actions. And yet, with all this he had ever for his opponent a courteous consideration, that stamped him among the first of the gentlemen of the old school.

While always of strong convictions openly expressed, he was broad and liberal in his views, political and religious, and in all matters affecting the public, or private interest, generous and liberal, but always in an unostentatious way, mindful of the injunction, not to let the left hand know what the right was doing; careless of popular approval or praise, ever unobtrusive, save when he thought that duty called for speech or action, few fully know, or appreciated his standard, or how well he maintained it.

He was a scholarly man, a great reader and student, and did not confine his reading and study to his profession. His
inclination and training led him into the wide fields of history, literature and the classics, and with all this he kept in constant touch, and abreast with current events. His broad knowledge, always up to date, superadded to his genial, unassuming manner, made him an ever charming companion for his friends, and those admitted to the inner circle.

His nature was intensely loyal. Whether to friends, or to his country, his State, his county, her services and his best were ever to command.

He loved West Virginia, born on her soil yet present, and assisting at her birth, in the throes of mortal agony 'mid which she was brought forth.

He loved the county of his adoption, and sought, at first with success, to christen the new State "Kanawha," in its honor.

He was foremost in all efforts to develop her resources, and advance her interests.

He loved his town, and left no stone unturned to make it what it is; and in the Constitutional Convention, which formed the State, inaugurated the movement that ultimately gave to it the capital of the State.

Such was Judge James H. Brown. Such is a picture of his life and character. In all his relations he has shown sterling worth, and has left to the young men of the State an example worthy of their study and emulation.
JAMES FREDERICK BROWN.

"HON. JAMES F. BROWN, prominent as lawyer and citizen, was born March 7, 1852, in Charleston, Kanawha County, Va. (now West Virginia). His family were among the pioneers of the Old Dominion.

About the beginning of the century, his grandfather, Dr. Benjamin Brown, moved from Prince William County to the Ohio Valley. His father, Judge J.H. Brown, was born in the County of Cabell, Va., and became distinguished among the lawyers of his State and prominent in its politics, especially in the movements which led to the division between Eastern and Western Virginia and in the formation of the new State, filling many offices of honor and trust, both prior to and after the separation of the States. His mother, Louisa M. Brown, was the daughter of the late F.G.L. Beuhring, a woman of rare culture and intellect and of lovely disposition. Young Brown's boyhood days were passed amidst the excitements incident to the marching of contending armies back and forth through the Kanawha Valley during the Civil War. Schools, then, were out of the question, but the hardy sports of the boys of those days and the self-reliance imposed by the times, even upon the boys, were no mean preparation for the later struggles in college and after-life.

After the close of the war he attended the Charleston Institute and later the University of West Virginia, from which he graduated with College honors in 1873. He afterward studied law and was admitted to practice in 1875. Shortly after his admission to the bar he joined his father in a partnership which continued until his father's retirement. In 1888 he formed a partnership with Malcolm Jackson, Esq., of the Kanawha bar and in 1892 Edward W. Knight, Esq., was associated with them under the name of Brown, Jackson and Knight, a firm of reputation throughout the State for the strength and standing of its members. Mr. Brown, inheriting much from his parents, supplemented by a thorough mental training, from his first admission to the bar developed the elements of the successful lawyer, and soon became widely known, his practice extending to most of the important cases of his district, both in the State and Federal Courts, including the Supreme Court of the United States. Although inclined to the exciting contests of Politics, Mr. Brown early recognized the exactions of his profession and declined political preferment for himself. Nevertheless he took active interest in the cause of aspiring friends.

Always a Democrat, and naturally of determined purpose and aggressive in any cause he espoused, he was an active participant in all except one of the State Conventions of his party held since 1868, as well as in the contests that followed. In 1882, during his absence, he was nominated by his party for one of the three members to be sent from Kanawha County to the Legislature. His father, and then law-partner, was about the same time nominated for the same office by the Republican Convention. Both were put to their mettle, and after a spirited canvass, in one of the closest contests ever had in the county, the son received the highest number of votes cast, and the father the next highest, resulting in the election of both as two of the three members to which the county was entitled. Mr. Brown took a prominent part in shaping the legislation of the session, serving upon the "Judiciary Committee", the "Finance Committee", and other important committees of that body. He took part in the contest which resulted in the first election of the Hon. J.B. Kenna to the U.S. Senate, advocating the
of the late Hon. W.A. Quarrier for that position; was an earnest supporter of the first legislative enactment providing for a "State Mine Inspector", and of the Constitutional Amendment, then submitted, and afterward adopted by the people, changing the time of holding general State elections from October to the day fixed by law for the Federal elections. He successfully opposed the Prohibition Amendment, then vigorously urged by powerful factions in both parties, and took prominent part in all the important measures before that Legislature.

He declined further office by appointment or election and returned to active practice in his profession. In 1890 he was appointed by Governor A.B. Fleming, Regent of the State University, his Alma Mater, and at once took a decided part in directing the policy of that and management of that institution. Mr. Brown, like his father, was ever deeply interested in the prosperity and progress of his native town, and devoted much time, as well as thought and means to its advancement. In 1880 he was elected to its Council and has almost continuously since then been a member of that body. During his term of service Charleston has emerged from the chrysalis state into a handsome city. Its credit then on the wane, was soon thoroughly established and its obligations brought to a premium. Its population has since doubled, its streets have been paved, and the city has been sewered; a perfect system of water-works has been constructed, electric lighting and street railways have been introduced; three new bridges built, connecting the city with its suburbs over the adjacent rivers; two new railroads and street railways brought into the city. The new State Capitol, the new Court House, City Hall, Opera House, and many imposing business blocks and handsome residences have been added, evidences of its progress and prosperity. While the village of a few years ago has become a wealthy banking, wholesaling, and manufacturing center for the southern half of the State. In every measure for the improvement and prosperity of Charleston, Mr. Brown was among the foremost, and the present prosperous city is, to a degree, a monument to his energy, judgment, and public-spirited efforts in its behalf.

In professional, private, and public life Mr. Brown has been always the same, kind and considerate of others, and firm and sincere in his friendships. His career has been marked by strong convictions and prompt and vigorous action, persevered in until the end sought was accomplished; always courteous, but determined, and unflinching in the direction of duty.

September 13, 1877, Mr. Brown married Miss Jane M. Woodbridge, daughter of the late John M. Woodbridge of Marietta, Ohio. They have six children, all living, and reside at the old homestead in which he was born; a beautiful place, surrounded by a grove of ancient elms preserved in the heart of the city.

Possessing sturdy physical powers and unusual professional and public experience, Mr. Brown justly merits the reputation he enjoys as a sound lawyer, a safe leader, and a gentleman of refined and attractive social qualities.

The degree of LL.D. was conferred upon him by the University of West Virginia, in 1877.
Living in Charleston, are all

The children of James Frederick Brown and Jennie his wife & ame Louise Buehring Brown were born June 30, 1878, married Oscar Penn Fitzgerald (son of Bishop O.P. Fitzgerald) July 25, 1907. They have three children, Jean Banks Fitzgerald, born May 3, 1908; Gwendolen Fitzgerald, born June 9, 1909; and Oscar Penn Fitzgerald III, born July 16, 1911 (originally of Nashville, now of Charleston)

Jean Morgan Brown, born Oct. 9, 1880

Elizabeth Woodbridge Brown, born Oct. 9, 1882; married Angus W. Mac Donald of Charles Town W. Va. June 27, 1912 (now of Charleston)

Ceres Brown, born Dec. 26, 1884

Ruth Dannenberg Brown, born July 25, 1889