

**EDWARD BOARDMAN KNIGHT**  
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Edward Boardman Knight was born August 22, 1834, in Hancock, New Hampshire, the son of Asa Knight and Melinda Adams Knight. He graduated from Dartmouth College in the class of 1861, and was admitted to the bar in 1863. He practiced for a short time in the towns of New London and Dover, New Hampshire, and in the Spring of 1863 moved to Charleston, West Virginia, where he joined Benjamin H. Smith in the practice of law.

There is no record of how the connection between Knight and Smith came about. However, it appears likely that the connection came through the Noyes family.<sup>32</sup> Both families settled in Newbury, Massachusetts, at an early date. Three of John Knight's daughters, Elizabeth, Mary and Hannah, married three of Nicholas Noyes' sons, Cutting, Timothy and James, in 1674, 1681 and 1684, respectively.<sup>33</sup>

Knight soon acquired a reputation in Kanawha and became a successful lawyer. In 1864 he married Hannah Elizabeth White, of Newport, N. H. They had three children, Edward Wallace Knight, Harold Warren Knight and Mary Ethel, who married George W. McClintic, for many years the United States Judge for the Southern District of West Virginia. Knight's first wife died in 1878, and in 1882 he married Mary Elizabeth White, who I believe was a sister of his first wife.

Atkinson says that Mr. Knight "was a man of large stature, of even temper and kindly disposition," and that "he lived a clean, moral and upright life."<sup>34</sup> He goes on to describe Knight as follows:

Edward B. Knight, one of the really eminent lawyers of West Virginia, prior to the days of modern-help text books and encyclopædia compilations for quick reference, when lawyers had to carry the law in their heads and not merely in their libraries, where they could turn to a cyclopædia and find what they wanted in a few minutes, in order to succeed in their practice and become eminent as barristers. Mr. Knight was of the kind who was erudite and learned in every branch of the profession, and was unusually apt in knowing how to apply his vast learning in an emergency, so as to prove most effective in a court trial. The writer has heard him in the trial of a considerable number of

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<sup>32</sup> Benjamin Harrison Smith married Roxalana Noyes, daughter of Isaac Noyes.

<sup>33</sup> Again I am indebted to William B. Maxwell, III, and *A Genealogical Dictionary of the First Settlers of New England*, by James Savage, originally published in Boston, 1860-1862, reprinted with notes and a cross-index by Genealogical Publishing Company, Baltimore, 1965-1990.

<sup>34</sup> Atkinson, *Bench and Bar of West Virginia*, p. 47.

important causes in our high courts, and without disparaging other distinguished members of the Bar, he is clearly of the opinion that Mr. Knight had but few equals as a trial lawyer in this or any other State. He was self-poised, of free and forceful speech, incisive in delivery, and rarely failed to impress a court and jury of the justice of his contentions. He possessed a large fund of knowledge outside of his profession, which he often used with telling force in his court trials. He carried a serious bearing, and yet he had a remarkable vein of wit and humor when occasion called for an expression of this natural feature of his make up. He seemed to possess on all occasions all of the elements of an all round able and successful lawyer, who possessed the confidence of his brothers of the profession and the respect of all the people who knew him personally.

Laidley<sup>35</sup> says of Knight:

From almost any point of view Mr. Knight was a strong lawyer, and when he knew he was right always succeeded in impressing the court and jury with the fact, and generally distinguished himself in important cases by his clear-cut, forceful and convincing argument, sticking very closely to the evidence and the truth and therefore to the point. With an apparent seriousness of mind withal he had a remarkable vein of wit and humor when occasion called for an expression of this temperament and was a favorite master of ceremonies, or toastmaster at bar association meetings.

Speaking of his strong manly and moral character, his old law partner, Isaac Smith, said that he was the purest-minded man with the highest moral ideas he ever knew. Mr. Knight was very fond of outdoor life and spent his summers mostly in the beautiful hills around Sunnipee Lake, New Hampshire, and was an enthusiastic fisherman. Mr. Knight was a member from Kanawha County of the Constitutional Convention of 1872, but never held any other political office. He was, however, for a number of years city solicitor of Charleston. In politics he was always a democrat.

Governor MacCorkle, in his well known reminiscences, has some entertaining anecdotes and opinions regarding Mr. Knight. It should be noted that William A. Quarrier, referred to by MacCorkle, was the brother-in-law of Isaac Noyes Smith. MacCorkle said of Quarrier that he was "the most learned common law lawyer that I have ever known," and "the greatest master of common law pleading of his day either in Virginia or West Virginia."

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<sup>35</sup> *History of Charleston and Kanawha County*, p. 424.

Mr. Edward B. Knight, who contested with Mr. Quarrier for the leadership at the Bar, was in many ways a different type. He was a very learned lawyer, but had developed more of business acumen than Mr. Quarrier. He was a great contract lawyer, and in taking a contract from its inception to its final settlement in the Supreme Court of Appeals, he was superior to anyone at the Bar. He was thorough in his preparation of a case. He could completely concentrate his mind upon anything he was considering. I do not believe that Mr. Knight could argue a case unless he had it in absolute sequence. His was an orderly mind. He had not delved to the depths of the law of pleading and practice to the same extent as had Mr. Quarrier, still there was no one at the Bar excepting Mr. Quarrier equal to him in his knowledge of that branch of the profession. I have heard that Mr. James Henry Nash in the preparation of court papers more nearly approached Mr. Quarrier, and that of all the Bar, Mr. Quarrier feared Mr. Nash. Mr. Nash died just before I came to the Bar and occasionally I met the proceedings in which he had figured. His law papers were wonderful types of clean, clear pleading. While Mr. Knight did not possess this deep knowledge of that branch of the law, he was a very able and learned pleader. His great forte, however, was in the general trial of a case. In the examination of witnesses he had very few equals. I remember well that he frequently repeated the last words of the witness and when the witness answered, he used the expression "Aha! Aha!" The combination of great knowledge of practice and pleading, ability to cross-examine, splendid oratorical abilities, and great experience as a trial lawyer, made him dangerous in any class of case. He was most impressive in argument, and his ability of statement was wonderful. He was a man of striking appearance, with large, powerful head, with strong mouth and expressive eyes. He never moved from his position when addressing the jury and his only gesture was with his right hand, and when standing before the jury he was as dangerous as a two-edged sword. He never overstated the testimony yet to the very full he got it before the jury. He had a splendid voice, deep and musical, with his mind full of the knowledge of the law, understanding its reason, and with a tremendous memory for evidence, he poured forth to a jury a great stream holding in it all the wisdom of the cause.

I am somewhat experienced in after-dinner speeches, having heard and made many of them all over the United States, but I believe that Mr. Knight's speech before the Middle Western Editorial Association was one of the finest after-dinner speeches I ever heard. He was always full of anecdote, and all pertinent stories and applications of fact and law came seemingly unbidden to his mind and

were effectively used before the jury. Withal, he kept strictly to the case. There was no deviation from one unerring end and that was the winning of the case and the convincing of the jury. He had wonderful ability in getting hold of knowledge and making it his own. I remember once seeing him in a case which involved the intricacies and the peculiar law learning of deep water dredging. Now, Mr. Knight had no experience in this class of litigation and the opposition had brought from the Lakes a lawyer expert in deep dredging, one who confined himself in his practice to the causes arising from dredging on the Great Lakes. I remember that there was no branch of this peculiar work that this lawyer did not have at his fingers' end. Before he got through with the case, Mr. Knight had absorbed what this man knew about this class of litigation, while at the same time in knowledge of the law and in management and direction of the case, he was infinitely his superior. Before the case was over he demonstrated to the jury that this expert, learned in the law of dredging and experienced in its practice, was in no sense of the word his equal in presenting the case to the jury.

He was a man of great geniality. I remember with what great pleasure and hilarity he used to display to the Bar, especially when Mr. Mollohan was around, a postal card which he had received. It was in these words, as I recall it: "Mr. E. B. Knight, Dear Sir: I have got a important case and I want you and Mr. Mollohan to try it for me. I want you for your knowledge of the law and I want Mollohan to cute rascals. Yours very truly, James R. Selby."

I once had a funny experience involving him. I was traveling in northern New York and was riding in the smoking room with a gentleman who had boarded the train at some local station. After awhile my companion asked me if I was from the South, and I informed him that I was from West Virginia. He mentioned several people and among others asked if I knew Mr. Knight. I replied, "Yes." He said, "He is a very great lawyer." I answered, "Yes, he is." He said, "He is a great speaker, has a lot of wit and humor." I agreed with him. He added, "I was there four or five months ago and they were trying a moot case at the capital. I was directed to the meeting. I heard that the Federal judge was to preside and that it was going to be an interesting affair and I went. Mr. Knight made a great speech. He kind of cleaned up that other lawyer." I said, "Yes, I expect he did." I did not think it necessary to tell him that I was the "other lawyer."

Mr. Knight always had a pleasant smile and in the trial of a case he never lost his good nature. I think the only time I ever saw him annoyed was when he was arguing a chancery case before Judge

Guthrie with Mr. Quarrier on the other side. The question was over a bill in chancery asking for relief from the proceedings on the law side, and Mr. Knight was explaining the reason of the chancery jurisdiction, the difference between it and the law, and went on to say in his pleasant way, "you know, your Honor, that the common law is without conscience." Mr. Quarrier quickly interrupted, "Yes, Mr. Knight, I have understood that is the way you practice law, but the rest of us do not practice along those lines." For the first time in my experience I think, I saw a cloud pass over his face, but it cleared up in a little bit and he went on as smoothly and kindly as ever. He was a great lawyer, thorough in preparation, intuitive in his grasp of the principles of a case, intensive in preparation, and most powerful and impressive in public address either before court, jury, or the populace.<sup>36</sup>

In his later years, Mr. Knight acquired a farm in Greenbrier County, West Virginia, on the outskirts of Lewisburg, with a large and beautiful brick home, called "Tuscawilla," where he died in 1897.<sup>37</sup> The widow of his great-grandson, Edward D. Knight, Jr., lives there in 1995.

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The partnership of Smith and Knight was terminated by the death of Isaac Noyes Smith in 1883. This likewise marks the end of Part I of this History. After the death of the younger Smith, Knight formed a partnership with George S. Couch, known as **Knight & Couch**, which is the subject of Part II. However, there remains to be dealt with here the matter of the Civil War and the ban against the practice of law by Confederate sympathizers.

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<sup>36</sup> W. A. MacCorkle, *Recollections of Fifty Years*, p. 57.

<sup>37</sup> The house was not built by Mr. Knight, but by a member of the Preston family, many generations of which lived in Lewisburg.