

## ISAAC NOYES SMITH 1832-1883

Isaac Noyes Smith was born at Charleston in April, 1832, the only son and second child of Benjamin Harrison Smith and Roxalana Noyes Smith. He graduated from Washington College in 1852, and then studied law at Judge Brockenbrough's law school, after which he probably "read" law with his father.<sup>27</sup> He joined his father in the practice of law, and soon became an active and respected member of the bar.

Isaac was elected to the Virginia legislature in 1860. In the same year he married Caroline S. Quarrier, the daughter of Alexander W. Quarrier and Caroline Shrewsbury Quarrier, who lived at the corner of Capitol and Quarrier Streets.

In 1858, Isaac Noyes Smith, with many other young men of Kanawha, joined the Kanawha Rifles, a militia group organized and led by George Patton, the grandfather of General George S. Patton of World War II fame. The group drilled, learned military procedures, studied military tactics, etc. Smith began as a private, but was later elected an officer. When the War began, the Kanawha Rifles became the 22nd Virginia Regiment. Smith was second in command of the Regiment, a Major. The history of Smith's experiences in the Virginia campaign of 1861, his resignation from the army, his subsequent conduct during the War, and the problems he encountered in returning to the practice of law are set out below in this Part I in *SMITH & KNIGHT, ISAAC NOYES SMITH AND THE CIVIL WAR*.

When I. N. Smith was permitted to return to his law practice, he quickly became a prominent figure at the bar, and for years there was little important litigation in Kanawha County that did not have the firm of Smith & Knight engaged on one side or the other. Laidley<sup>28</sup> says, "He came of an ancestry marked by strong, brave, and able men and his distinction at the bar was only less than that of his father, who survived him. He was a conscientious member of the Presbyterian church and for many years was an elder."

For some reason, neither Atkinson nor Laidley had much to say about Isaac Noyes Smith's activities, treating him more or less as the son of a great father. Because of this lack, the reminiscences of Governor MacCorkle<sup>29</sup> are particularly welcome:

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<sup>27</sup> See Footnote No. 2.

<sup>28</sup> *History of Charleston and Kanawha County*, page 937.

<sup>29</sup> W. A. MacCorkle, *The Recollections of Fifty Years* (1928), p. 115.

I was in court in the spring of 1882 when Mr. Isaac N. Smith handed in a decree dismissing and settling the famous old salt case of Dickinson and Shrewsbury. This was the Jarndyce versus Jarndyce<sup>30</sup> of the Kanawha Bar. I remember Mr. Smith's speech concerning this case. It was a very beautiful and touching address. The case had been pending for about sixty years and was a very remarkable piece of litigation. Mr. Smith in glowing language told the court of the great industrial and political changes that had taken place in the world and especially in this country since the institution of that suit, -- the Mexican War, the great Civil War of our country, the War of 1871 and others. Mr. Charles Hedrick arose and asked that the court appoint a day for the formal obsequies of the case. It was set for Saturday following Mr. Smith's statement. I regret that the wonderful and interesting history detailed by the lawyers was not preserved.<sup>31</sup> I remember, however, the origin of the suit. Dickinson and Shrewsbury, two farmers over on Goose Creek, Botetourt County, Virginia, met casually one day and one remarked to the other that it would be a good thing to start a little store on the Creek. They agreed and opened the store and Shrewsbury put in \$100 and Dickinson \$200. The store prospered and they both attended it. They opened another little store in the country. Then they bought a farm with the proceeds of the two establishments and afterwards purchased still another. Next they concluded to go out and look over the Kanawha Valley, which they did. They bought a salt furnace here with the proceeds of the joint properties. With these proceeds they bought another furnace. They were enormously successful and became the great salt producers of the Kanawha Valley. After many years of successful operation they concluded to make a division and settlement. Shrewsbury said, "I will take this furnace and you take that one. I will take this store and you take that store. I will take this bunch of slaves and you take that bunch. I will take this farm and you take that one," and so on. This was after about forty years of operation in which they had both actively engaged. Dickinson said, "No, that is not right. When we began you put in \$100 and I put in \$200 and we ought to divide everything that way, because everything came from the proceeds of the store at Goose Creek. Now, I will take these two farms, you take that one. I will take these furnaces

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<sup>30</sup> A fictional eternal case made famous by Charles Dickens.

<sup>31</sup> The records of Dickinson & Shrewsbury were preserved in the attic of the Dickinson residence in Malden, now (1995) the home of Mary Price Dickinson Ratrie. In 1985 Col. Donald C. Pauley transcribed 183 pages of notes made by William Dickinson, Jr., as a summary of the history of the firm, for use in the law suit between Dickinson and Shrewsbury. This transcript was typed and reproduced in an edition of 50 copies under the name of *Dickinson Papers, Part I, The Col. William Dickinson, Jr. Notes.*

and you take that one. I will take these stores and you take that one." Of course this produced a great controversy and they and their heirs litigated each other for over sixty years until by compromise and settlement and death the affair was closed. It is related that when Dickinson was about to die, he and Shrewsbury still being at odds, the latter went over to see him. Shrewsbury heard that Dickinson had gotten religion and had forgiven all of his enemies. He got up close to him and said, "Dickinson, I want to know if, notwithstanding all of our troubles, you forgive me." He says, "Yes, Shrewsbury, if I die I will forgive you, but if I live, I will give you hell." He lived and the merry war went on.

Isaac N. Smith, who tendered the Dickinson and Shrewsbury decree, was about the first illustration of the business lawyer at the Southern West Virginia bar. He rarely ever made a speech in court, although he was very fluent when he desired to be. His attention was given largely to business law. He was the first, in collaboration with Mr. Quarrier, to draw a contract for coal mining. He and Mr. Quarrier practically originated the coal lease as it was used then and is now used in the Kanawha Valley. He had a remarkably clear head and a careful business mind and drew these contracts with enormous care and particularity, and practically worked out the coal lease which we have today. I was looking over one of his leases not long ago. It was in the days of longhand writing, and I was amazed at the labor and care which he took in writing and re-writing that ten page document. Mr. Smith devoted himself practically to the

business end of the bar and was a pioneer in the Valley in that branch of the law. He had great faith in the development of this Valley and predicted that it would one day be a great coal country. Sometimes when hearing him talk, I thought he was dreaming, but I have long since found out that, even with his far reaching thought about this country, he had only touched the edges of its development.

Governor MacCorkle's comments provide a clue to the reason why Isaac Noyes Smith received only small mention by Atkinson and Laidley - he was not known as a great courtroom orator and did not become involved in politics; in other words, he was not a "public" figure. He went quietly about becoming one of the pioneer business lawyers of Kanawha, at a time when business and industry were in their infancy in the area. Before that time, the practice of law consisted mainly of real property law, or titles, and litigation. The post-Civil War period saw the development of the great business lawyers of New York, Boston, and other commercial centers, as the railroad, steel, textile and other industries developed.

Isaac Noyes and Caroline Quarrier Smith had six children: Benjamin H. Smith, who died; Alexander Q. Smith, who married Ethel Appleton; Harrison Brooks Smith, who later became a member of the Firm, and whose biography is set out in this volume; Elsie Q. Smith, who married Frederick M. Staunton; Christopher C. Smith, who died; and Isaac Noyes Smith (Jr.), who married Elizabeth Dana.

Isaac Noyes Smith died at his home in Charleston on October 6, 1883, at the age of 52, four years before his father's death. His death terminated the partnership of Smith & Knight.