

June 1958

## Heritage of Freedom By Judge Ben Moore

Stanley C. Morris

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>



Part of the [Legal Biography Commons](#)

---

### Recommended Citation

Stanley C. Morris, *Heritage of Freedom By Judge Ben Moore*, 60 W. Va. L. Rev. (1958).

Available at: <https://researchrepository.wvu.edu/wvlr/vol60/iss4/21>

This Book Review is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact [ian.harmon@mail.wvu.edu](mailto:ian.harmon@mail.wvu.edu).

## BOOK REVIEW

HERITAGE OF FREEDOM. By Judge Ben Moore. Minneapolis: T. S. Denison & Co. 1957. 273 pp.

This book is at once the life history and the credo of a meaningful American. The story of a busy and outgoing life he tells tersely, with rare detachment and without embellishment.

The seventh of eight children, Ben Moore was born in Magoffin County, Kentucky, January 1, 1891. His father was then a teacher of five months a year one-room non-tax-supported "subscription" schools. This activity netted him but a meager income which he supplemented by farming. In 1892, however, he was given a civil service job. The year 1896, therefore, found the family comfortably situated in Charleston, West Virginia, the father employed as an examiner for the United States pension office. The political turnover that year, however, terminated this employment.

Jobs were few and hard to get in Charleston at the time. The father decided to go back to Magoffin County. He purchased, for a thousand dollars, a three-room frame house and a few acres on Burning Fork of Licking River, some forty miles from Louisa, the nearest railroad station. The family moved in by jolt wagon. The schools of the neighborhood already had their teachers for the approaching term. The Moores had but small savings and no income. The words "under" and "privileged" had, however, not been put together at the time. Grants or loans from the public treasury in today's pattern were not in existence; nor were they envisaged by the Moores. A neighbor offered three years' free use of a hillside tract of fifteen or twenty acres, for taking it out of the woods. A food supply thus in sight, the father and his six sons fell to with only hand tools and an old horse. And through the long, cold winter and the ensuing spring it was father and sons against nature until the "new ground" was cleared and planted. Six-year-old Ben did his part of the rugged task, riding the horse and dragging the logs into place.

The father was able to get back the next year into teaching in the one-room schools of the vicinity. These were now supported by tax money, but still ran only five or six months a year.

Ben Moore cannot remember a time when he could not read. In Magoffin County rural schools for six years, he lived, in succession, with five McGuffey Readers. He became an omnivorous

reader. He much enjoyed the Frank Merriwell and other five-cent paper-back novels, frowned upon at the time, but now collector's items. He progressed through *John Halifax, Gentleman*, *Little Women* and *Little Men* to *Sherlock Holmes* and the works of Sir Walter Scott, Victor Hugo and Robert Louis Stevenson.

At thirteen he was fortunate enough to come for two years under the tutelage of a great teacher, Professor Archibald C. Harlowe, of Magoffin Institute. This instructor, Ben Moore's Mark Hopkins, as did his famed prototype, lacked the plethora of teaching materials deemed indispensable by educators of our well-gadged 1958. He, however, was able to impart and did impart to Ben Moore a modicum of true learning and a full measure of enthusiasm for study of the best of what the world "has thought and felt and said and done."

The Moore family must have remembered Charleston pleasantly. For the spring of 1907 found the five older brothers established in jobs in and near it. The two unmarried brothers arranged for the rest of the family to move to Charleston. It was the plan for young Ben to enter high school. It was, however, in the middle of the school year when the move was made. He was persuaded to go to work in a drugstore then being operated by one of the older brothers. This brother supplied him with textbooks in geometry and ancient history for use in the meantime. Thus began the process of self education, which, to this day, he still follows. The drugstore failed, leaving the family heavily in debt, before the next school year opened and ended young Ben's formal schooling.

Of his first fifteen years he spent some ten in Magoffin County. In that period the blood strains, the economy, the thought patterns, the folkways and the religious life of the people of that mountain area remained pretty much the same as those of the first settlers. He rightly describes their life as "backwoods". Transportation remained primitive. Its people knew well long journeys on foot, the creek-bottom road, the mountain trail, the jolt wagon and, less well, the buggy.

Their economy appears to have been a simple one—no large-scale production of money crops, no large herds of cattle or flocks of poultry. There was, therefore, but little inflow of outside money. Their foodstuffs they themselves produced for the most part.

He makes no mention of organized or commercialized recreation. They probably had very little. "The older boys spent a good

deal of their time on winter evenings riding up and down the road and firing off their pistols." (pp. 28-29)

In education they were precisionists; in religion they were postivists. They, for instance, demanded that their schools should really teach their children how to spell, to read, to "cipher." Their religion must have been one of great certitude of belief. Only so could they have lived and practiced it as recounted in chapter three of the book. The rigors of their religious life included the all-day funeral, "the protracted meeting" and "the mourners' bench."

Rural Magoffin County, in the last decade of the nineteenth century, and Charleston, in the first two decades of the twentieth, were twin influences shaping Ben Moore's life. Important as the Magoffin chapters are, his Charleston experiences in the earlier formative years of his life were of at least equal significance.

When forced at sixteen to go to work rather than to high school, he was able to get employment first as runner and then as general bookkeeper in a local bank. Leaving this employment after four years, he became auditor of the Charleston Street Railway and later auditor for a land company. In the meantime he studied law by correspondence and in a local law office. Successfully completing his examination for admission to the bar in 1915 he was one of the last to be admitted in West Virginia without resident study in a college or law school. Soon thereafter a statute was passed making such study a prerequisite to being permitted to take the bar examinations.

Like Ben Franklin, Ben Moore early learned to squeeze out of his every daily task, most of them hard, his full share of work-a-day knowledge and useful skills. In the bank, for instance, he "learned to write legibly and fast; to add, multiply, subtract and divide accurately and fast; to read a financial statement and to interpret it correctly and fast; and, to a degree, just to think fast." (p. 89) To this day the effortless ease with which he masters the most complicated corporate balance sheet is the envy of both accountants and lawyers who appear before him.

The love of good literature which he acquired in his studies with Professor Harlowe stayed with him through the years. Capable of memorizing with remarkable facility he "hung in the gallery of . . . memory," in their entirety, "King Lear", "The Ancient Mariner", "The Cotter's Saturday Night", the first ten chapters of the Gospel

of John and many another classic. He studied the *Harvard Classics* assiduously and ascribes his great knowledge of the humanities to this set of books.

He rightly describes his becoming a pupil of Professor Harlowe as the first turning point in his life. Almost equally important was the day when the late Thomas C. Townsend, of Charleston, then counsel of the United Mine Workers of America, for a wide area, offered him a place with the firm of Townsend & Bock.

Again in the pattern of Ben Franklin, who organized a like club in Philadelphia, he got together, among young lawyer friends, a discussion group known as the Lotus Club, which persists to this day. Still later he was the prime mover in bringing Lions International to Charleston and to West Virginia. More recently he has been active in the Anvil Club composed of twenty-seven men from various walks of life seriously interested in a wide range of economic, scientific, governmental and cultural problems. Members in rotation produce original papers which are put on the Anvil of general discussion.

Upon joining Townsend & Bock he entered upon a varied and busy practice which was to continue until 1941 when he was made Judge of the Court of Common Pleas of Kanawha County, where he was to serve but a few months. At that point he was made Judge of the United States District Court for the Southern District of West Virginia and still so serves.

This is not strictly a law book. Lawyers will, nevertheless, find chapters fourteen through eighteen and twenty and twenty-one of great professional interest. These chapters describe in interesting detail, with references to actual cases and happenings, the work of a federal judge in a populous and busy district. These and earlier chapters also afford an interesting case history as to how one federal judge, notwithstanding his exacting official duties, sustains active interest and participation in the intellectual and civic life of his city and state.

In his own unhurried and well-poised fashion, Ben Moore was finally to work out for himself, as appears in chapter nineteen, thought and faith patterns well entitled to be called a philosophy of life. Few of his contemporaries, buffeted as we all are by the tides of today's living, have found time to do this. He would perhaps disclaim that his beliefs are entitled to be called a philosophy or,

indeed, to bear any label; he asserts in the book only that he is "a part of all that" he "has met."

His readers may well regret that he failed to make of his book more of a "Life and Times." How, now, for example, are things in Magoffin County? How goes it with Hoe-handle Bill Jackson and the other Burning Fork people? Have be-bop and rock 'n roll fuzzed up or supplanted the folk songs which as a boy Ben Moore knew so well? Did Jeanette Belle Thomas, "The Traipsin' Woman" get even the best of these properly recorded? This book leaves the answer to such questions to her and to Jesse Stuart.

With today's ether unremittingly full of decillions of decibels of news and views and of sights which can be captured in every living room, the beliefs of present-day Americans tend to lose sharpness of definition. An ill-defined relativism which seeks, above all, coexistence with every vagary of thought and faith has possessed too many of us, leaving intact but few of the beliefs and too little of the faith of our fathers. One wonders whether these things are so in Magoffin County.

Again, Judge Moore's perceptive comments upon both the direction and the velocity of the economic, social and political changes through which we Americans have lived, in the five decades or so of which he writes, would have made a real contribution. And the reader cannot but regret that he chose not to write something of the "summit" people of our times.

Judge Moore's is a Horatio Alger story with an O. Henry finish. Who can recall a single Alger hero who became other than an industrial tycoon or a merchant prince? Here, however, is a mountain boy, of the proper Alger mettle, whose successes have been in the law, (rightly described by Justice Holmes as "the profession of thinkers") and in public service.

The author of this book could not have lived and written as he has behind that certain curtain. To live as he has and to write as he has required freedom. Were the author and the publishers to permit this reviewer to add a subtitle to this book it would be "Herein Also of the Fruitage of Freedom."

Stanley C. Morris

Member of the Kanawha County Bar.