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[Judge Walter L. Holley]

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*file on Holley*

Project #3613

W. W. Dixon

Winnsboro, S. C. JUDGE WALTER L. HOLLEY

(white) 76 YEARS OLD.

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Walter L. Holley, amiable Probate Judge of Fairfield County *{Begin inserted text}{Begin handwritten}, {End handwritten}{End inserted text}* is 5 feet 8 inches tall and weighs 140 pounds. He has winning ways with strangers and acquaintances and a glad hand to friends. And that hand is ever open to any one in time of adversity and need. He, perhaps, is the best loved man in the county.

"I have never given such thought to ancestry, believing that we are all descended from Adam and Eve. What most concerns me is right living toward our follow men. But I believe my ancestry is part Scotch, part English, and a sprinkling of Dutch blood. My ancient people came to the western portion of the present Fairfield territory before the Revolutionary War. In those old times, a spot to be desirable to settle upon and rear a family must lie near a river or stream. There was very little well digging, for lack of labor and tools. So my forefathers settled near Broad River, a boundary between Fairfield and Newberry counties today.

"The first settlers, you know, were hunters and cow herders, rather than agriculturists. They had their cowpens, fishing tackle, and long-barreled rifles. Fish and game were plentiful in streams and forests.

"Our ancient home remains in my retentive memory. It was built of logs, but my father replaced it with a frame building in his lifetime. The old home where I was born is about 6 miles from Jenkinsville, in view from State highway #215. *{Begin handwritten}C10 - 1/31/41 - S.C.{End handwritten}*

"My grandfather was Glazier Holley; my fathers Nathaniel S. Holley; and

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my mother, Charlotte E. Holley. I had six brothers and two sisters.



"I was born in November, 1862, on the old farm homestead between Monticello and Jenkinsville. My earliest recollections, as a tot, include a cavalcade of Yankee soldiers galloping on the highway by our home, but, as to specific acts and doings on these facts, I was too small to record them in my memory.

"A detachment of cavalry under Colonel Kirkpatrick were encamped in the neighborhood for several days. They came up on the Fairfield side of Broad River, after crossing Freshley's Ferry, and spent several nights near Jenkinsville. Colonel Kirkpatrick and his officers slept in the C. B. Douglas house. Later, they moved up to Monticello and made Doctor James Davis's large residence their headquarters. When they departed, they crossed Little River at the Old Brick Church, ripping up the church floor to construct a bridge across the stream. For days after their departure, the air was foul with the stench of dead cattle, and the heavens were beclouded with flying turkey buzzards. Before leaving, they, in groups, ransacked our home of blankets, feather beds, and pillows. They killed our hogs and drove off all our mules, horses, and cows. They took many male slaves with them to herd and drive the mules, horses, and cattle, and some of the female slaves to act as cooks, washerwomen, and body servants. It is a pity for the whole South that they did not take all the Negroes out of the country. We would have learned self-reliance and self-dependence sooner, become inured to manual toil in the fields and not be as we are described today, "The Nation's Economic Problem No. 1.

"There were no public schools in the early years following the Civil War, and the private tuition schools ran three months, commencing in December and ending in March. The first one I attended was at Jenkinsville, taught by a Mr. James Hutchinson. People had very little money, and the teachers boarded

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around among the patrons to make the tuition fall uniformly upon their pocketbooks. Money was so scarce that few books could be used. Sometimes two or more pupils bought text books in common, thus reducing expenses. Two causes contributed to the short length of the school session. One was lack of money; the other was the need of the children to scatter guano, hoe cotton, pick cotton, pull fodder and glean corn. Children at our home learned to work.

"The second teacher I went to was a Miss Julia Glass, from Cokesbury, South Carolina, a very good instructress.

"Later, I attended the Broad River Academy at Monticello, which was under the charge of Captain Hayne McMeekin. It was later under Colonel Henry C. Davis, father of R. Means Davis. He was assisted by a Mrs. Scott.

"Next I went to work on our farm. Cotton prices ran down and got as low as 5 cents a pound in 1883. Seeing little to induce me to become a farmer, I went to work for the Spartanburg, Union, and Columbia Railroad, on one of its freight trains.

"About this time, the Richmond and Danville Railway Company leased a number of lines in South Carolina, and my services became such that I could be directed on any of their lines in the State. One day, November 1, 1885, I suffered injuries at Belton, South Carolina. An a result of the injuries, my left leg had to be amputated near the ankle, and since that time, I have worn a [?] foot, or should I say leg?

"After my railroad service was ended, I went back to the old home and looked after the farm, as best I could, and was both rash and fortunate enough to fool a good woman/ *{Begin inserted text}*into*{End inserted text}* marrying me. She was Agnes T. Seybt of Cokesbury, Anderson County, South Carolina. We were married in November, 1889, forty-nine years ago. We will celebrate our golden wedding



anniversary next year.

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"Thirty-eight years ago (1900) we moved to Winnsboro, and I began work as a clerk in the store of [?] Williford & Company. I next clerked for Hickling and Gladden. I left them to clerk one year in Chester, South Carolina, for Joseph Wylie & Company. I returned to Winnsboro and was with D. V. Walker & Company for a number of years; then with Ketchin Mercantile Company several years, to return to D. V. Walker & Company, with whom I ended my life as a merchandise salesman in 1908.

"In the spring of 1908, the incumbent of the Judge of Probate's office, Durham A. Broom, died, and a primary election of the Democratic Party was determined upon by His Excellency, Governor Martin F. Ansel, to fill the unexpired term. I entered the race with former Judge John J. Neil, W. W. Crosby, and Jason Hall, Sr. When the votes were counted I lacked 97 votes of being elected on the first ballot. In the second primary, I defeated Judge John J. Neil. Not since that election have I had opposition for the office. This, probably, constitutes a record in length of service (30 years) in the entire State of South Carolina. Some may have held an office longer than I have but none, so far as I know, have held a state or county office so long without opposition. Many varied, interesting, and sometimes ludicrous experiences have occurred in the administration of the office. During the last three decades, I have joined in holy bonds of wedlock something over 3,000 couples. I have issued many marriage licenses, however, wherein some ministers of the Gospel later performed the marriage ceremony. Couples from Maine to Florida have stopped by to be joined in the peculiar South Carolina indissoluble bonds, risking the hard knot for weal or woe.

"Some of my experiences, in this line of privilege and duty, have been highly humorous, indeed. I will mention two only, but, with variations, they are typical of many cases. On one occasion, a voter declared he was going to

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scratch Holley, even though he had no opposition at the next election, because he had got him in a h--- of a marriage mess - tied up forever to a nagging, chew-the-rag kind of woman!

"On another occasion, a Negro came into the office and paid me for a marriage license, which I filled out and issued to him. He thanked me profusely, 'I'm all heeled now for a little bit of hebbin, Boss! Ain't it so?' He returned the next Saturday with a virile, combative looking female and asked for the ceremony to be performed at once, that "her" was in a hurry. I asked for the license, which he produced. I proceeded. Everything went along all right until we got down to the place in the ceremony where I asked. Do you, Sallie Moore, take this man to be your --- ' Then 'her' raised her head and voice, 'Dat ain't my name. He done got anudder gal in dat license, Judge, and I ain't gonna stand for it,' deed I ain't.

"It seems as if Henry had changed his mind within the week as to the girl he wished to marry. He declared, however, that he didn't think it made any difference about the name on the paper, so long as he had paid for the license. 'Just scratch out Sallie Moore and put in Mary Ballard, Judge, and let's get it all over if you please, Judge, befo' dat other gal gits here.'

"The salary and fees of the office of Probate Judge for Fairfield County were very small when I was first sworn into office. It was about \$600.00. Under a wave of retrenchment in Ben Gillman's administration,



the emoluments had been cut. I went to the State senator and the three representatives from Fairfield and complained at the meagerness of the amount allowed. The senator agreed to raise the salary to \$700.00. Two representatives objected and killed the bill in the house. In the next campaign, it became a minor issue. The senator and one representative openly advocated the increase in salary; the others were silent on the question but talked to me, in private, as if they favored it.

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The legislature came on. The bill was introduced in the senate and passed that body. Then it reached the house, two members objected, but they were ignorant of the rules of the house. You, a representative from Fairfield, then inserted the increase in the supply bill by way of an amendment and secured its passage. After the session, the two objectors came to my office to explain why they did not let the bill pass to increase my salary and said they would get it passed if reelected. I drew down the Acts and Joint Resolutions and read the item in the Supply bill of the county. They were dumfounded to discover that, not only the increase was there, but I had been given all the marriage license fees thereafter issued. I don't think either ever learned how you accomplished the effective trick amendment, but neither were returned to the house. My compensation is now about three times the amount it was when I first took office in 1908.

"If I may be allowed a voluntary remark or two, permit me to say that our unique position in regard to divorce of husband and wife makes one scratch his head, sometimes, to ponder whether all marriages are arranged in heaven or if the devil doesn't have a little to do with a fractional part of them here below. Sometimes, a very fine man or woman may have been deceived, over-reached and allured into a matrimonial alliance. Afterward, love changes into indignant disgust and repulsion on the part of/ *{Begin inserted text}*the*{End inserted text}* one deceived. This is considered by other States as a valid reason for divorce. But there is no door of escape for either party to the alliance in South Carolina. About the beginning of the present century, one of our eminent men, a certain judge became so obsessed with the idea of the perfection of our constitutional law prohibiting divorce of husband and wife, for any cause, even the scriptural reason, that he engaged in a controversy with an eminent churchman in the columns of a New York newspaper on the subject. This controversy was reprinted in the News & Courier of

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Charleston, South Carolina, and some daily papers of this and other states. The judge at the time was a widower.

"Not long after the publication, the judge was 'roped in by a dame' and tied to her hard and fast under the South Carolina law in marriage. Soon the alliance became distasteful. But alas! there was no balm in Gilead, under our laws, to give surcease to the judge's connubial sorrows and heartaches.

"Since my boyhood, many changes have taken place affecting the social relations between the husband and wife. Woman had no political rights and man was the broad winner then. The wife was little more than a slave of the husband and bearer of his children. She was his cook, housekeeper, nurse, and sometimes seamstress, gardener, and washerwoman. These duties were performed by her gratuitously - free of charge. Children were slaves in the fields and industrial plants and were cheated of their rights to an education. There were no compulsory education laws then. Neither was there a child labor law on the statutebooks. Thousands of country girls were born to blush unseen and to waste their sweetness on the remote eroded hillsides. Other thousands of children under fourteen years of age worked twelve hours a



day in industrial plants to evolve that quizzical biped, the "mill daddy", who sat around, whittled sticks in the sunshine of back alleys, drank corn whiskey, told smutty jokes, and guffawed among unsavory companions until pay day. Then he received his wife's and children's money that they had earned by hard labor. He spent the most of it for more liquor and came home in the late hours of the nights drunk, to beat the wife and children. It has been a half century worth living in, to witness this rise of woman from a domestic chattel and serf of the household to become the civic and political equal of man. There remains nothing now to debar her from becoming a leader in the social, economic, and educational affairs of the

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county, state, or nation. I cite two organizations here, the Parent-Teacher's Association and the Federation of Women's Clubs, and two individuals, Mrs. Franklin D. Roosevelt and Francis Perkins, Secretary of Labor. There are many more clubs I could mention, but what is the use? They come to your mind and to many more individual's. Neither clubs nor individuals hide their beneficent light under a bushel. Shining through and in it all/ *{Begin inserted text}*is*{End inserted text}* the radiant love of child welfare. A silent warfare where carnage and destruction of homes are unthought of. A silent warfare for the people's welfare!

"Excuse this digression. I will go back to our 'no divorce law,' to tell you what can happen under it to perplex the solicitor in the court of general sessions and bring the law into disrespect.

"I issue a license to James Jones to marry Janie Brown and perform the ceremony. They live together six months, then separate. James Jones goes to Chester, secures a license from Probate Judge Yarborough to marry Sallie Smith. He performs the ceremony. James brings Sallie back to Winnaboro and sets up housekeeping two doors from where Janie resides with her parents, the Browns. Everything goes along as merry as a marriage bell in a Turkish harem until Sallie makes "some disparaging remarks about the Cara Nome perfume Janie is using. Janie loses self-control, rushes to the magistrate and swears out a warrant against James and Sallie for bigamy. They are arrested, *{Begin inserted text}*but*{End inserted text}* they give bond for appearance at court. The grand jury returns a true bill on the back of the indictment. The case comes on to trial. The solicitor introduces the marriage records of Janie and Sallie. The courthouse spectators begin to cast eyes of pity upon poor pretty Sallie, wife number two. The solicitor looks with triumph at the judge and announces: "That's our case, Your Honor. The State rests." " The judge, the Jury, and the spectators believe it an unbreakable,

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impregnable case, technically made out for the State. 'Wonder why they didn't plead guilty and ask for mercy,' is whispered. James' lawyer rises, opens his brief case and pulls out a stamped paper issued by the Probate Court of Charleston County, South Carolina. It is a license issued to James to marry Daisy Ledbetter and a record of a marriage antedating the marriages to Janie and Sallie. The records are introduced in evidence. The judge remarks to the solicitors. These marriages to Miss Janie and Miss Sallie are null and void. The facts submitted do not sustain the allegations of the indictment. To convict the defendants you must first prove the validity of the marriage of James Jones to Janie Brown. You allege the validity of the marriage of James Jones to Janie Brown. It is disproven, because at that time he had a wife. To explain this, which might be a little mystifying to anyone other than a lawyer, we will suppose:

1. James Jones first married Daisy Ledbetter in Charleston County, South Carolina.
2. He gets a divorce in Fulton County, Georgia.
3. He then marries Janie Brown in Fairfield County and leaves her.
4. He next goes to Chester and marries Sallie Smith.

If Janie indicts him for bigamous marriage with Sallie, he can plead the marriage to Daisy, and the case is thrown out of court.

"If a prosecution gets behind him, later, for bigamy or adultery based on the Charleston marriage to Daisy, he just takes the bus with Sallie and rides to Hogansville, Georgia, or Gastonia, North Carolina.

"It's a little confusing, a bit tragic, and very curiously amusing. Again, in every county in South Carolina I venture to say there are numbers of professional and wealthy men who were first married under South Carolina laws; later obtained a divorce in some other State and came back here and married

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some good women and, according to our customs, are peacefully living in their homes. Some of these men may occupy prominent positions in society; may be elected elders or deacons in our churches, where there is a requirement that a deacon must be the husband of one wife. Again, he may be elected a circuit judge or foreman of jury, who may be called upon to take part in determining the social status of one of these ' fly by nights, ' black or white citizens. You will find lots of then talking about the sanctity of the United States Constitution and the State constitution. But, like the old fable in the blue-backed speller about the Partial Judge, 'It depends on whose ox is gored.'"

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