

Kanawha CH, W Va

Aug 7" 1865

Genl Jno. Echols

Sir

I received yours of the 15 ult¹

and would have replied earlier had I been aware of any suitable opportunity. Thos. L. Broun Esq² had previously applied to me in your behalf, to appear as counsel for you, in the suit brought against you by Dr. Stanton, of which suit I then heard for the first time. I declined appearing in the cause, without giving Mr. B any explanation of my motive or reason. I presume he apprised you of the result of the application.

In your letter of the 15", you seem to doubt whether I would appear in the defense and state that you had heard that I had "complained of and still felt unfriendly towards me." It is true, I thought at the time and still think, that your dealing with me, in the fall of 1862, was rigorous, unjust and impolitic, wholly inconsistent with the right of free opinion which belong to every one and tinged to some extent, with personal motives in yourself and others.

When Genl Loring³ occupied this valley, his policy was

¹ ult is a definition for ultimo, which means "last month."

² Thomas L. Broun (1823-1914) was a prominent Charleston attorney who had studied law under George Summers. He was a member of the Kanawha Rifleman & achieved the rank of major in the Confederate army.

³ General William W. Loring

that of courtesy and conciliation. This course as I understood at the time did not meet the approbation of a portion of his command and was especially distasteful to some of the Hotspurs⁴ in the army from this county. After the evacuation by Loring, the army returned to this place under your command. Our information here, was, that the authorities at Richmond, yielding to the clamor made on account of Loring's mildness had relieved him and ordered the return of the troops under an officer who was very willing to pursue a different course. The morning after your arrival in Charleston, Dr. Patrick⁵ and myself, who had been the members from this county of the Convention of 1861⁶ were summoned to your headquarters.

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You had been a member of that body⁷ yourself—we differed from you in our opinions and votes, but had been on terms, as I supposed, of mutual respect and good will. Upon an appearance at your headquarters you informed us that you had received orders from Richmond which rendered it necessary that you should require us to take an oath to support the Confederate Gov't. You did not

⁴ "A rash, impetuous person" according to en.oxforddictionaries.com.

⁵ Dr. Spicer Patrick

⁶ Virginia Secession Convention of 1861. Summers & Dr. Patrick were delegates from Kanawha County. They voted against secession.

⁷ Echols was the delegate from Monroe County. He voted for secession.

exhibit, or read the order referred to. I at once inquired whether the order under which you professed to act, was general, embracing all who had not espoused the Confederate cause or whether Dr. P.⁸ and myself had been selected as special objects of denunciation and punishment. I had reason, and I thought, to believe, that our arrest, especially my own, was at the instance of certain personal and political enemies, who had been prominent and noisy in the secession movement in this county, some of whom, were officers under your command; nor did I know how far your own inclination might point in the same direction or induce a readiness on your part to yield to their hostile recommendation. Your reply was, that "the same rule would be applied to all who were of sufficient importance for the Gov't to take notice of." From this I inferred that no individuals had been named in the orders from Richmond, but that the selection of victims was left to your own discretion. I then inquired whether it was upon the ground of mere diversity of opinion & sentiment between the gov't you represented and myself or for any particular act of mine, that this requirement on your part was made. You answered that it had appeared from some order of publication or advertisement in the local newspapers, that I was practicing my

⁸ Dr. Patrick

profession in the courts of the reorganized gov't of Virginia thereby recognizing the legality of said courts. The fact was that the only advertisement under any publication

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which had then appeared, with my name as counsel, was in a case where Maj. Parks⁹ and myself were the attorneys *[sic]* for the pltff, and ~~was~~ was signed with our names jointly. I stated to you that the newspaper need not be examined for proof that I was practicing in the courts—that I fully admitted the fact and justified it. In this *[?]* connection I stated that the lawyers generally, who had remained at home, were engaged in practice and that I did not see why I was singled out for this alledged *[sic]* offense. You then asked me who ever thus engaged and I mentioned the names of Maj. Parks, James M. Laidley,¹⁰ Mr. Warth¹¹ and perhaps others, when you remarked “that to be consistent they must be placed in the same position.” Now, in your letter to me, you refer to the fact that Maj Parks was required to do the same thing that as proof of nothing of personal unkindness was intended towards me, because you imposed the same requirement on your personal and political friend, Maj Parks, who as you say, hospitably entertained you at his house, while

⁹ Major Andrew Parks

¹⁰ James Madison Laidley, original builder & owner of Glenwood.

¹¹ Perhaps John A. Warth.

sick etc and who made no complaint of your course.

Now you knew that Maj Parks would not have been thought of as one to be dealt with in this way, at all, but for the fact that having assigned as reason for so acting towards me, the fact that I was practicing law in Courts which you did not recognize, and finding that Maj. Parks was in the same category, you saw at once that for that reason to hold good, he must be included. Maj. P. afterward told me himself that you said to him that you did not deem any oath in his case necessary, knowing his sympathies but for your own consistency, you wished him to do it.

Mr. J. M. Laidley, as I understood, came before you voluntarily and complied with your requirement. With the exception of these two gentlemen, no others were required to take the oath, but Dr. Patrick and myself. So as you declared that the only alternative, when we refused to comply was to be sent as prisoners to Richmond, to be disposed of

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by the Confederate authorities there.

On the first day of our appearance before you, the form of the oath which you required, was exhibited for our examination.

On the third and last day, when as you gave us to understand the disposition of our case could be no further postponed, we found that the oath to be administered had been altered in a material feature, and had made to read

that it had been “voluntarily” taken. We could not nor would have taken it in that form, whatever the consequences might have been.

The impression made upon my mind by the occurrences here narrated was that you either desired yourself to use the opportunity of your second visit, clothed with authority to place me in an unpleasant predicament, or that you improperly yielded to the machinations of others, who thought it a suitable occasion to humiliate me, as they supposed. I was the more induced to these conclusions by the fact that you did not make the same requirement of any others except under the circumstances before stated and by the further fact that you made a strenuous attempt to alter the oath, as at first prescribed, and offered it in such shape as to preclude its acceptance. I thought I saw in this the finger of some who had a particularly patriotic desire to see me in “Libby” or “Castle Thunder.”¹² I have stated the foregoing facts and the conclusions I drew from them, as the basis of my declining to appear as counsel for you. It is not that I bear any malice, hatred or ill will towards you. I hope I am incapable of these. I can forgive, as I hope to be forgiven. But I am unwilling under the circumstances to place myself in a position, where by possibility in the event of disaster to the cause, I might be subjected, in the opinions of some, to an imputation of bad faith, in its management. Had I been applied to by the pltff to institute the suit I should have declined it also, and should have been unwilling to have even the appearance or supposition of

¹² Libby and Castle Thunder, both in Richmond, Virginia, were Confederate prisons with reputations for brutality.

revenge, lend my face to the prosecution. I think that in such a case, professional priority and delicacy dictate an abstinence from the cause.

Yr. Obt. Svt,
Geo. W. Summers