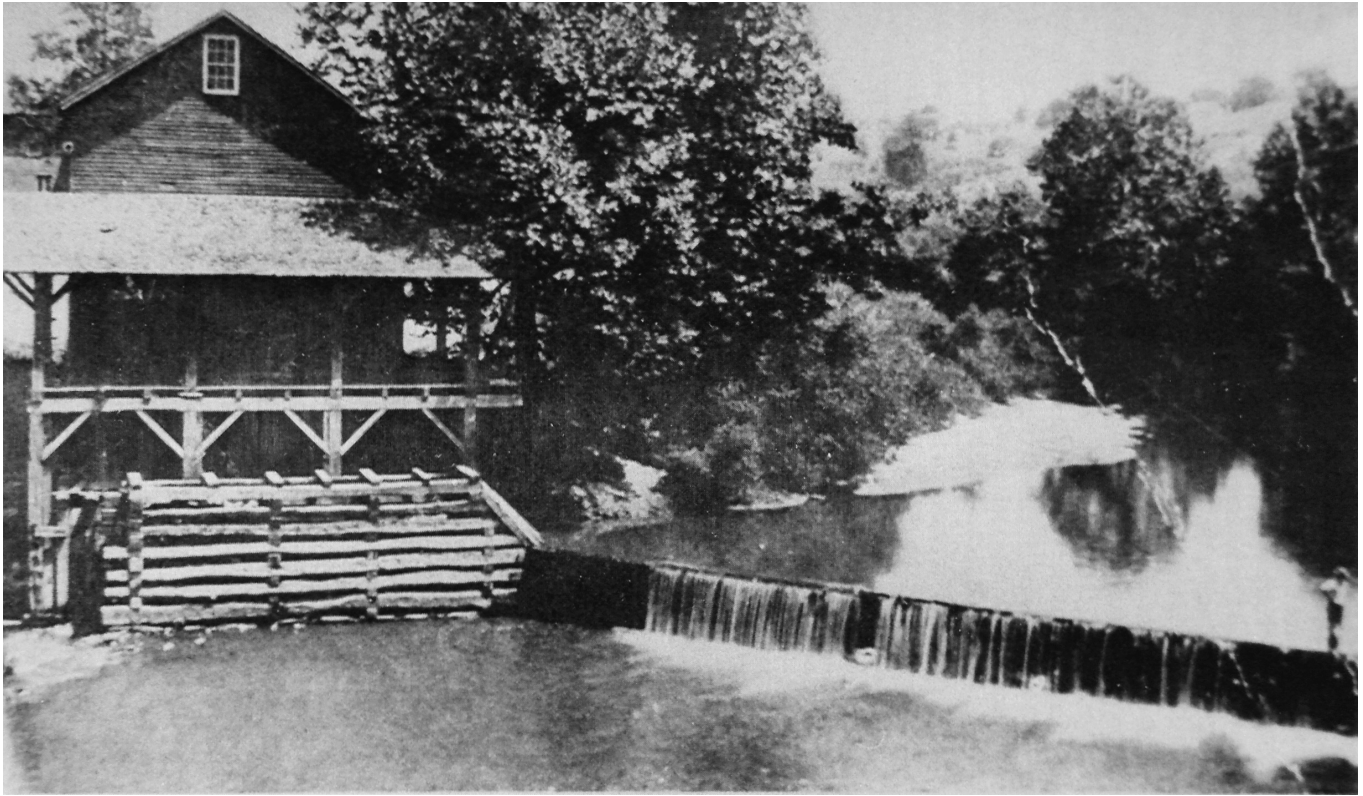


The Town of Trout's Hill, Fairview and Wayne

By Howard Osburn



(Above is a photograph of the old Abraham Trout Mill. This picture was taken by Joe Newman, who was a local businessman, and was used on early postcards, some of which still exist)

This article is being submitted to present the facts of the incorporation of the Town of Fairview and the name change to the present town of Wayne. In my twenty five years of researching, I have come across many different accounts of the incorporation and the changing of the name of this community.

Before I present the results of my research, I would like to expand the knowledge of the Trout family, who played such a large part in this history.

The TROUT family migrated to America from Germany, where the original spelling of the name was TRAUT.

In parts, if not all, of Germany in the late 1600's and early 1700's, there was a state mandated form of Christianity, which required all children to be baptized at birth. There were some dissenting groups, most of which were generally referred to as "Anabaptist", commonly interpreted as re-baptizers. They were strongly against the baptism at birth, believing each person should make his own decision about his faith and then be baptized as an adult. The

participation in such beliefs could bring harsh punishment or even banishment.

There were several of these groups. In the area of Schwarzenau, Germany, the Schwarzenau Brethren, also known as the German Baptist Brethren was formed in the year 1708. Later, in America, a branch of the church became known as the Church of The Brethren, which was the largest division of the former church. The church was commonly called the "Dunkers", because of their requirement of three immersions at Baptism. Some of the early TRAUT family in Germany were members of this group.

As early as 1719 numerous members of this church family began to migrate to America. In this first migration were three brothers, Johann Heinrich TRAUT, George Balthazar TRAUT and Jeremias TRAUT, along with their families. Other migrations followed.

Most of the members of the Church of The Brethren first settled in Pennsylvania, with some later migrating to Ohio and Virginia.

As early as 1789, one Joseph Trout appeared on the tax records of Franklin County, Virginia. Franklin County at that time was the site of a Church of The Brethren settlement. Many researchers believe this Joseph to be the probable father of our Abraham Trout. Joseph also had sons named Joseph and David and a daughter named Susanna. There are several deeds showing these children deeded property to one-another. These children have matching DNA, showing a match to these early TRAUT settlers. One researcher who has Joseph as Abraham's father, also shows his ancestral line back to the above mentioned Johann Heinrich TRAUT. The DNA also suggest an earlier ancestry of Nordic or Viking origin. Some of this ancestral data is hypothetical and may require more research to confirm.

Abraham, along with Joseph and David Trout, began to appear on the tax records of Franklin County as early as 1802. The supposed father, Joseph, is listed on the tax records there until 1800, when he disappeared. He is then found on the Kanawha County, Virginia (later Cabell County) tax records until about the time Cabell County was formed. He then disappeared completely.

Abraham Denver Trout (his full name) was born April 8, 1783, in Franklin County, Virginia. On November 16, 1808, in Franklin County, Virginia, he married Mary Law, who was born about 1790. Abraham and Mary had perhaps as many as fourteen children, most of whom are well documented. Dates for Abraham are taken from his tombstone.

It appears that Abraham's son Joshua was the last child born in Franklin County, Virginia about 1814, and John Wesley was to be the first to be born in Cabell County, Virginia, Virginia about 1816.

This would place the arrival of the Trout family into Cabell County, Virginia in the time period of 1815-1816. In the 1820 census of Cabell County, Abraham is listed as living at Barboursville.

It has been reported on numerous occasions that Abraham applied for and received a permit to erect a grist mill on the waters of Twelve Pole. This permit was issued in the year 1828, and the

mill was built soon afterward. It was described as being built of hand-hewn logs, three stories high.

In December 1841, John Wellman, perhaps with some companions, rode horseback to the Virginia Capitol to deliver a petition to form Wayne County from the boundaries of Cabell County. This petition was approved by the General Assembly of the State of Virginia on January 18, 1842, and it specified that the place of holding courts in the County of Wayne shall be on the lands of Abraham Trout, on the waters of Twelve Pole River. Soon after, organizational meetings began in the home of Abraham Trout. The first County Court was held at the home of Abraham Trout on April 11, 1842. The first session of the Circuit Court was held on May 6, 1843. The village then became commonly known as Trout's Hill. The several districts of Wayne County were not formed until 1863.

On May 9, 1842, Abraham and Mary Trout deeded to John Wellman, Levi McCormick, William Morris and Frederick Moore, Gentlemen Justices of Wayne County, a one acre tract for the use of the County of Wayne for the public buildings, being where the present court house is now located.

In the years of 1843, 1844, 1845 and 1846 there are 32 deeds recorded in the Wayne Court House listing the sale of properties by the Trouts. All of these deeds were signed by both Abraham and Mary Trout, with Mary making an X as her signature. There is one additional deed recorded in 1848, where Abraham deeded to his son-in-law, Hugh Bowen, a tract of 20 acres, described as being just above the Wayne Court House. Abraham's wife does not appear on this deed. This is the property where the Wayne Cemetery is located, and where Hugh Bowen and his wife are buried. Hugh had taken Abraham's daughter Susannah Elizabeth Trout as his second wife.

It has been reported that Abraham Trout traded 250 acres of land in Wayne County for 240 acres in Johnson County, Indiana. There are no deeds in the Wayne County Courthouse to support this. However, Abraham did deed to his son Ezra Trout a tract containing 200 acres. This deed was in 1833 and recorded in the Cabell County records. From looking at deed records, Abraham did own other sizeable properties which were not connected to the tract where the county seat was located.

Several of the deeds concerning lots near the Court House state that the listed properties were part of a 500 acre tract. In almost all of the deeds, the name of the town is left blank, saying only that it was the County Seat of Wayne County. This indicates there was no organized town at that time. Of interest among the deeds is the fact that no deed could be found for the transfer of the property where the grist mill was located. This has always interested me, as the mill was located on the east side of Twelve Pole Creek, on property apparently being part of Samuel Ferguson's land. Could there have been some sort of agreement between Ferguson and Trout for the use of the land? Perhaps a deed could be found in Cabell County records. Abraham Trout was a witness on the will of Samuel Ferguson in 1825. At some point in time it again became part of that land owned by Ferguson, now referred to as Newtown Addition. However, in Hugh Bowen's will, dated November 1, 1886 and probated the following year, he lists a one half interest in the mill.

Another deed of interest was the one to the Methodist Church for one-fourth acre. This lot was located where the old Wayne Grade School stands. It was there the church built a large frame building which was demolished in the late 1890's during a windstorm. Also located on or near the property was a cemetery, which no longer exists. Among those buried there were Col. J. J. Mansfield, killed in the early days of the Civil War, and his daughter, Louisa Ann who died in 1860. They were later moved to the Elmwood Cemetery.

In two separate deeds made in the same time period by Abraham Jr., son of Abraham, he lists the property in the deeds as being in Mt. Carmel, the county seat of Wayne County. I have never seen this name mentioned elsewhere.

It is not now well known that Abraham and Mary Trout left Wayne County not long after it's formation. Some time in 1846, Abraham and his wife migrated to Johnson County, Indiana, where his wife Mary reportedly died soon after their arrival there. She is buried there in the Hurricane Cemetery, Johnson County, Indiana. In the 1850 census Abraham is listed as living in Franklin, Johnson County, Indiana. He is living with his son Stephen, and his sons Abraham, Jr. and Joshua, along with their families, are also listed beside of Stephen.

Abraham later migrated to Boone County, Indiana, where he was married for the second time on March 9, 1854 to Susanna Good, who was born about 1793 in Pennsylvania. They are listed there in Boone County in the 1860 census. Along with the several members of Trout families, there were also numerous families by the Good name in the vicinity.

Residing next door to Abraham in 1860 is one John Jones Trout, listed as being born in Virginia. This John Trout had a daughter named Elizabeth Ann Trout, who married Simpson Marion Trout on April 9, 1848 in Hamilton County, Indiana. Simpson was a son of Abraham and Mary. He fathered seven children and died March 15, 1873 in Osceola County, Michigan.

Abraham died in Whitestown, Boone County, December 1, 1863 and is buried there in the Lutheran Cemetery, Union Twp., Boone County. The distance between Franklin, Johnson County and Whitestown, Boone County is approximately 50-60 miles.



THE TOMBSTONE OF ABRAHAM TROUT

Several of Abraham's children married and remained in Wayne County. A number of others went

to Franklin County with him and raised their families in that vicinity. It is also known that his grandson John W. Trout lived with Abraham in Boone County. John W.'s father died in a rafting accident a short time before his birth. John W. was married on November 6, 1858, in Boone County, to Mary A. Warren. He became a member the Mormon Church in Boone County. He returned to Wayne County for a visit and decided to remain here. He was subsequently appointed Overseer of the Poor Farm of Wayne County. His great-granddaughter Peggy (Simpkins) Thompson still resides on Toms Creek.

I felt it was important to better document the Trout family, since the place where the Court House was established became known as Trout's Hill, later to become incorporated as Fairview, WV. To many people the name of Fairview is not well known, and much confusion has arisen concerning it. Parts of this information is attributed to the research of Noel Trout, a long time and dedicated Trout family researcher. The remainder is of my own research.

Now, on to the naming and incorporation of our present Town of Wayne.

My research and the finding of the following Court documents are the result of information left behind by the late Milton J. Ferguson, a brother of the late Judge C. W. Ferguson, II. As a young attorney, Milton opened his law office in Wayne in February of 1929. If not for this information, I would not have been led to this discovery. The documents are all located in the Court House, but very difficult to find.

In addition to the Court proceedings, I was able to find the following related documents in the Court House, which numbered a dozen or more. These documents were mentioned but not included in the Court proceedings and were filed separately. They are as follows:

(1) G. F. Ratliff filed the results of a census of the area to be incorporated, sworn to before Chapman Adkins, Notary Public, on the 18th day of January, 1882. Included in the above mentioned census were the names of 34 heads of families and a total of 157 men, women and children.

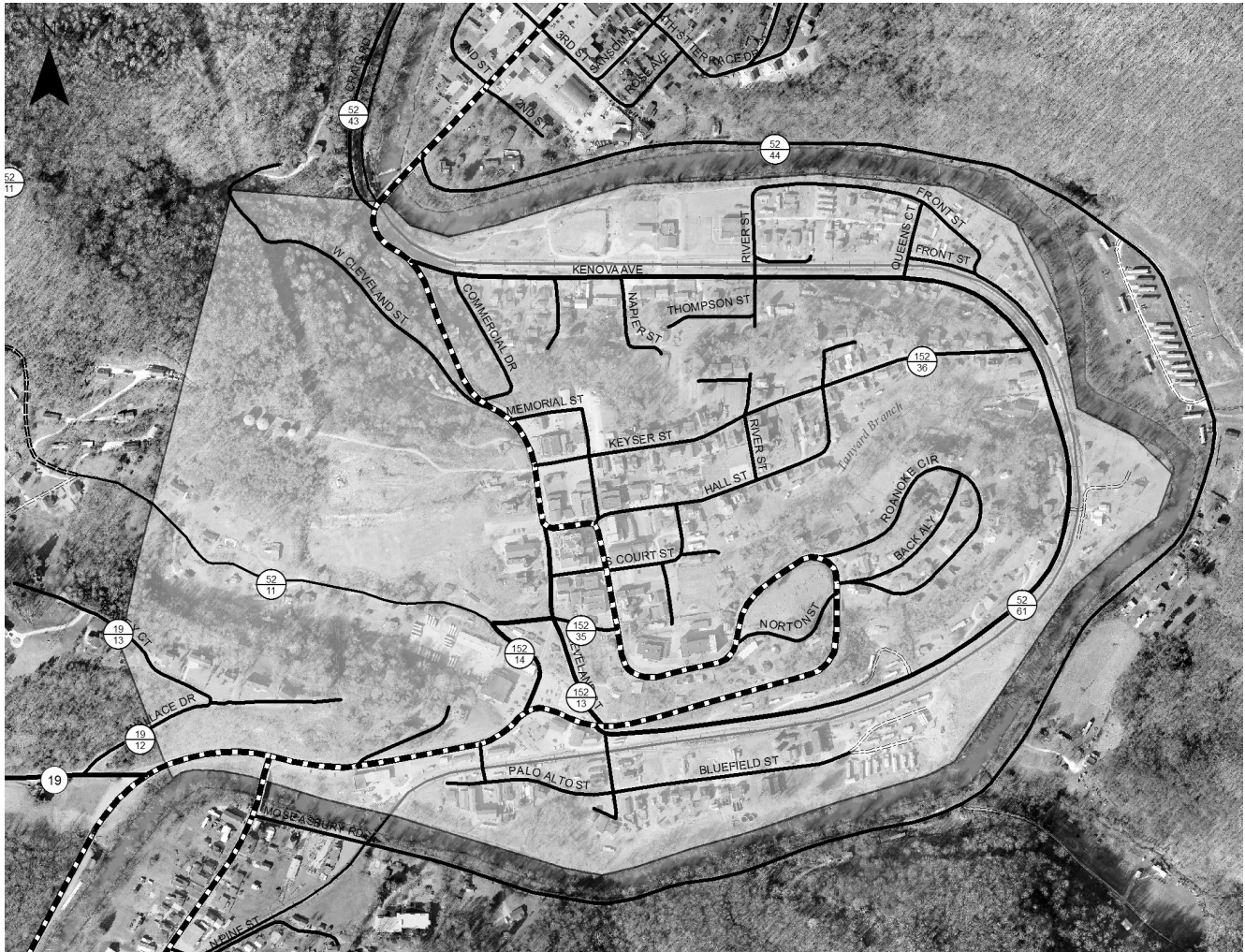
The census is here shown, listing the names of the heads of households and the number in the family.

Hugh Bowen	6	Andrew Keyser	2	Wash Adkins	7	Wm. E. Wilkinson	8
B. J. Prichard	3	J. M. Tierman	5	Amanda Osburn	5	Howard Fisher	7
G. W. Hutchinson	9	P. H. Napier	4	Perry Christian	4	M. J. Ferguson	3
Robert Chafins	2	W. S. Moore	4	Jeff Ferguson	9	Alderson Walker	4
Joe Plymale	4	Emily Bowen	7	H. K. Shumate	6	Rinda Adkins	3
Alderson Bowen	6	Elisha Adkins	4	Attison Adkins	7	S.L. Bowen	1
G. G. Burgess	5	G. W. Sellards	5	Amanda Wellman	6	Benj. Vaughan	1
C. R. Enslow	2	G. F. Ratcliff	5	James P. Wellman	1		
J. S. Marcum	3	Goodwin Adkins	8	W. S. Napier	2		

(2) Jeff Ferguson, Conductor, G. F. Ratliff and Chapman Adkins, Commissioners, and Julius Fischback and H. K. Shumate, Clerks, made a filing swearing they would oversee the election in the matter of the incorporation, supporting the Constitution to the best of their ability. This

document was sworn to by the above named before Leroy Newman, Deputy of P. H. Napier, Clerk, on the 18th day of February, 1882.

(3) G. F. Ratliff and Chapman Adkins, Commissioners of the election, made a filing dated the 18th day of February, 1882, stating that they had fairly and impartially held said election, and that the results for incorporating Fairview were thirty one for incorporation and two against. An actual list of those persons voting in the election was also filed.



(4) A survey was made of the area to be incorporated. The surveyor was R. B. Hamilton, and the survey was sworn to for it's accuracy and content before G. W. Hutchinson, a Notary Public, on the 19th day of February, 1882. There is a mention of a plat (map) but none was found. The description revealed that the total number of acres was 224. It appears the survey began at a corner to the Mill plot, went up the hollow just as you start down Craig Road, called the Mill Hollow, to the top of the hill and down the other side to William Wilkinson's land at or near the mouth of Tom's Creek, thence to the banks of Twelve Pole and followed the creek back to the point of beginning. William J. Wilkinson, father of the above listed William E. Wilkinson, is buried just below the mouth of Toms Creek behind the home of Mike Ferguson. (The plat shown here is courtesy Matt Strogon, Mapping Supervisor of Wayne County, W. Va. It is overlaid on a modern

map of the Town of Wayne)

It is of interest to here note that the law required publication of all of these proceedings. They were duly published in The Wayne Advocate, located in the community. The Advocate was founded here in 1874 by P. B. Lewis. At the time of these filings, H. K. Shumate, an attorney, was the owner and editor. The Advocate became the Wayne News in 1886, which in turn became the Wayne County News in 1919.

Below is an accurate copy of the Court proceedings pertaining to the incorporation:

At a Court held June Term, third day, June 21, 1882

G. F. Ratliff, Jeff Ferguson, Chapman Adkins and H. K. Shumate this day asked leave to docket a notice of their application to the Court for the Incorporation of the Town of Fairview in this County. And it appearing to the Court that said notice has been published as prescribed by law the same is ordered to be docketed. And it further appearing to the Court that a Certificate of an election held pursuant to the notice, on the question of the incorporation has been filed with said notice and it appearing therefore that a majority of the qualified voters residing within the limits of said proposed incorporation has voted for Incorporation. And it further appearing that all the provisions of Chapter 47 of the Code of West Virginia have been complied with by the applicants herein, the Court doth order and direct the Clerk of this Court to issue a Certificate of the Incorporation on said town as required by law. It is further ordered that Washington Adkins, Jeff Ferguson and G. F. Ratliff are hereby appointed to act as inspectors at the first election to be held in said town as provided in said Chapter 47. And this order having been made on the second day of this term it is entered now as for then.

The language used in the last sentence above is very interesting. The term “entered now as for then” means that the action of the court on a given date is to be effective as to the date of the filing of the application for said hearing. It shows in the heading of the Court document that the Court was being held on the third day of the June session, June 21, 1882, and that the filing had been made on the second day of the same session, June 20, 1882. In investigating the record for the second day of the session, June 20, 1882, I did not find the application docketed on that day. So, apparently it was presented but not entered on the second day, but on the third day instead, hence the language “now as for then.” It appears then that the ruling of the court concerning the Incorporation of Fairview was effective on June 20, 1882.

Shortly after it’s incorporation, the following municipal officers were elected:

Mayor: Washington Adkins
Recorder: Chapman Adkins
Councilmen: Dr. G. R. Burgess, G. F. Ratcliff, G. W. Sellards, W. S. Moore and Attison Adkins.

There are several published stories which say that Fairview was incorporated in 1860, but no documentation is offered. A town would not have been incorporated at one time and then reincorporated again at another time. Boundary changes could be added to the existing corporation, or the name could be changed, without the necessity of reincorporation. We will

observe this below with the renaming of Fairview to Wayne. You will also notice that in all of the Court documents cited above, reference is made to the incorporation of Fairview. There is not one instance of the term re-incorporation. I believe the confusion came about because of the military group, formed in the early winds of the Civil War, called The Fairview Rifle Guards. This unit was formed at Trout's Hill by Capt. Corns, and was later merged into the 8th VA Cavalry.

In June of 1879 there was a quasi-military unit formed in the town which was soon to be incorporated as Fairview. This unit was known as the Rifle Guard of Wayne County, in all probability named in honor of the above mentioned Fairview Rifle Guards. The officers were William Wilkinson, Captain; Pat H. Napier, First Lieutenant; Andy Fry, Second Lieutenant. The Guard numbered about 72 members and some of the best citizens of the County belonged. Each of the men furnished their own uniforms, at their own cost. In competition, this unit won several awards as best drill company.

You will recall that on the 29th day of November, 1879, Laban Walker was hung on the Court House lawn for the murder of Patrick Nolen. The local law enforcement were concerned that some demonstrations or disorderly conduct might break out among the thousands of spectators expected at the hanging. Therefore, the Rifle Guard was called out to maintain order.

This all occurred just some fifteen years after the Civil War. One can readily understand the excitement which such a fine military unit would create in the community. It is also very easy to understand how the name Fairview would come back into play at this time, and be used in the incorporation of the community.

It does seem that in the above documents pertaining to the preparation of the incorporation, it is often mentioned that the area described was called Fairview in 1882. In the 1870 Federal Census, the town was listed as Wayne Court House. However, in the 1880 Census, it was referred to as Fairview or Wayne Court House.

In numerous articles written about the Civil War period, most refer to the town as Trout's Hill. In an article written September 13, 1934, by I. B. Smith, he relates that as a boy he often went to Trout's Hill with his father, who went there for military drill, and relates that he saw the men march out of Trout's Hill at the start of the Civil War. In several articles written by William Mansfield, editor of the Wayne County News, he speaks of the town as Trout's Hill. Amanda Osburn, in an article written in 1928, states that she and her first husband, J. J. Mansfield lived at a place called Trout's Hill in the spring of 1861.

In 1883, in the present town of Wayne, Professor T. B. McClure founded the Oakview Academy, first called Fairview High School. These and other stories about the town are numerous, but the writings support the date of incorporation of Fairview as 1882.

Also supporting this date of incorporation is the Hardesty's History, published in 1884. Hardesty's gives the date of incorporation as June 21, 1882. However it refers to the town as Trout's Hill, not Fairview. In the personal history of Washington Adkins, Hardesty's reports that he was then the Mayor of Fairview.

It appears that after the incorporation of the town of Fairview, most of the local people did not like the name and many refused to use it. The town continued to be called Trout's Hill and later was commonly referred to as Wayne Court House. This might have been partly due to the fact that long before the town was incorporated, the Post Office here was established as Wayne C.H. Post Office. This can be seen in Hardesty's also, as they report that most all the persons located in the town of Fairview as having the mail address of Wayne C.H. Post Office.

At any rate, the name of Fairview seemed not to be very popular, leading to the name change in 1911.

Below are the Court documents which cover both of the hearings held in regards to the renaming of the town from Fairview to Wayne, which I discovered in the Court House:

At a Court held August 25, 1911

In Matter of Petition for change of Charter Name of the Town of Fairview, Wayne County, West Virginia, changing the charter name of said town to the name of Wayne.

This day B. J. Prichard, M. E. Ketchum, T. B. McClure, Claude Newman, J. T. Lambert, and Fisher Scaggs, presented their petition to the Judge of the Circuit Court of Wayne County West Virginia, asking and praying for the reasons therein set forth that an order be entered by said Circuit Court, amending the charter of the town of Fairview, Wayne County and State of West Virginia, changing the legal charter name of said town of Fairview, to the name of Wayne.

Said petition being seen and inspected by the Court and there being no objections thereto to the filing thereof: it is ordered that the said petition be and is here by filed, and that further proceedings herein be had in relation thereto, as required by chapter 47 of the Code of this State. And the Clerk of this Court is hereby directed to furnish for posting and publication, in the manner directed by said chapter a copy of this order, and further proceedings in said matter is hereby continued.

At a Court held November 20, 1911:

IN THE MATTER of Petition of B. J. Prichard and others, for the amendment of the Charter of the town of Fairview, Wayne County, West Virginia, by changing the charter name of said town to the town of Wayne, Wayne County, West Virginia.

This day this cause came on again to be heard upon the Petition of B. J. Prichard and others asking an amendment to the Charter of the town of Fairview, Wayne County, West Virginia, which said Petition was filed by an order of this court at the August Term, 1911 thereof which said order directed that said notice of the filing of said Petition be given by the publication of the order filing the same and the posting thereof as required by Chapter 47 of the Code of West Virginia; and it appearing to the Court from a printed copy of said notice filed with the papers in this cause to which affidavits are attached showing that said publication and posting has been duly made for the time and in the manner required by law and as directed by said former order in these proceedings; and there having been here-to-fore no exceptions or objections filed or made

herein to any of the proceedings had here under, and none now being presented or made to the making and entering of this order herein; and the Court being of opinion, upon due consideration, that the Petitioners are entitled to have the order entered herein set forth in their said Petition and prayer thereto. It is therefore adjudged, ordered and decreed by the Court that the Charter here-to-fore made by this court incorporating the said Town of Fairview, Wayne County, West Virginia be and the same is hereby amended by striking out the word "Fairview" therein and substituting for and in lieu of the word "Fairview" in the said Charter the word "Wayne". And that hereafter the legal name of said Municipal corporation shall be, and shall be known and designated as the town of Wayne, Wayne County, West Virginia.

It is further ordered and decreed that this amendment to said charter of said corporation shall not effect, alter or change in any manner what-so-ever the rights or liabilities of said corporation heretofore or existing at the time of the entering of this order. The Clerk of this Court is hereby directed to certify a copy of this order for the common council of said municipal corporation for record on the books of said corporation.

And it appearing to the Court that this proceeding has fully accomplished its purpose and that there remains nothing further to be done herein the same is ordered to be stricken from the docket.

The Town of Wayne has expanded on several occasions, including the addition of Newtown, the addition of Spunky, and lately the addition of State Route 152 down to and including the recently developed mall. You will notice that no reincorporation was required in these expansions.

Thus ends my research of this article. It is my hope that this information will clear some of the previous errors concerning the present town of Wayne. No research is without errors or questions, and some may be found here.

Lets go "Out-Wayne."

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