

ORAL HISTORY PROJECT
Chattanooga - Hamilton County Public Library
Chattanooga, Tennessee

An Interview With

CLARENCE KOLWYCK

By

Norman Bradley

September 20, 1984

PREFACE

This manuscript is a transcript of an interview conducted for the Oral History Project of the Chattanooga-Hamilton County Public Library. The purpose of the project is to capture the first-hand accounts of the social history of the Chattanooga area in the twentieth century.

The reader is asked to bear in mind that the transcript reflects the patterns of the spoken, rather than the written, word. The information is presented as it was recalled by the interviewee at the occasion of the interview and has been edited only for clarity.

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Two indexes have been prepared for locating specific information from either the transcript or the tape. The page index to the transcript is located at the end of this volume. A meter count number has been given in the left margin of the text for locating a section on the tape. It should be noted that this number will vary depending on the equipment used.

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ORAL HISTORY PROJECT

PERSONAL DATA SHEET

Date September 20, 1984

1. Full name (include maiden name and married name, where applies):

Clarence Kolwyck

2. Current address and phone number:

Suite 468 - 401 Chestnut Street 37402

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3. Date and Place of Birth:

August 3, 1901 Darden, Henderson County, Tennessee

4. Mother's maiden name:

Ana Maxwell

Place of Birth:

Darden, Tennessee

5. Father's name:

C. C. Kolwyck

Place of Birth:

Darden, Tennessee

6. Spouse's name:

Augusta Rogers Kolwyck

7. Children's names and addresses (if possible). Indicate daughters married names:

None

INTRODUCTION

Clarence Kolwyck, for half a century one of Chattanooga's most prominent attorneys, was equally as interested in the administrative aspects of the legal profession as in the practice of law. He served the Chattanooga Bar Association in many capacities, including its presidency, with a long-sustained concern for professional ethical standards as chairman of the association's Special Masters, who oversee disciplinary matters. He also served a term as president of the Tennessee Bar Association and held frequent appointments as a member of committees of the American Bar Association. Another of his interests, public education, was evident in his membership on administrative and advisory boards for schools and colleges in the state.

The interview with him was recorded in his Chattanooga office on September 20, 1984, by Norman Bradley for the Oral History Project of the Chattanooga - Hamilton County Public Library.

Bradley: Mr. Kolwyck, your career here in Chattanooga has been long and distinguished, and has been particularly bound up in the law, 019 in the practice of it and the governing of it. What attracted you to the legal profession? Were some of your forebears lawyers or -- how did you get into the law profession, and why Chattanooga?

Kolwyck: Well, it's unusual but true. When I was six years old my father [C. C. Kolwyck] carried me to a one-room schoolhouse where a lawyer from Lexington, Tennessee, spoke. And when the meeting broke up my father carried me up, you know, and he shook hands with the speaker, Mr. Essary from Lexington, Tennessee. And, of course, he patted me on the back, you know, and told Father he had a nice-looking son and so forth. And [when] we got home, I crawled up in Daddy's lap and I said, "I'm going to be a lawyer like Mr. Essary." Now, I was six years old.

Bradley: And the desire never left.

Kolwyck: And it had never left me from that day till now.

Bradley: Is that right?

Kolwyck: And it's that simple.

Bradley: You mentioned Henderson County and Lexington -- they are in West Tennessee.

Kolwyck: Lexington, Tennessee, is about half way between Nashville and Memphis, and exactly a midway of West Tennessee. It's about a hundred miles to Nashville and a hundred miles to Memphis.

Bradley: Well, then, was Lexington your home or did you grow up in Dresden, or did you live in Dresden?

Kolwyck: No, I never -- Henderson County -- actually, I was born eight 041 miles north of Darden, Tennessee, which is in the east edge of Henderson County and ten miles from Lexington, and that's where I grew up, at Darden, Tennessee.

Bradley: Yes. Now, your father was a farmer or --

Kolwyck: Yes, he was a farmer, yes.

Bradley: Then your training was in the public schools there, your early schooling?

Kolwyck: The only schooling we had in those days was two months in the summer and two months in the winter, and I went to those

(Kolwyck): schools. One of them, I walked three miles to it.

050 When I was fifteen years old, my father sent me to Hall-Moody Institute at Martin, Tennessee, which is now UT [University of Tennessee], Martin. That was a Baptist school and it had -- it took up the grammar school and two years in high school, and was a training school for teachers. They trained people for teachers there that never went to college, and a lot of them didn't even go to high school. But there, I took a review course on the eighth grade, and that enabled me to get into high school. That was in 1917. I rode the train for four years from Darden to Lexington, and in the process peddled honey in Lexington (laughter) to pay my expenses.

Bradley: Was it from your own beehives?

Kolwyck: Yes, I got into the bee business when I was thirteen years old, and when I was sixteen I had sixty-four colonies of bees. And that's how I paid my way through high school.

Bradley: As a matter of fact, didn't you -- that was a fairly recent avocation of yours, wasn't it?

Kolwyck: No, that was seventy years old [ed: ago].

Bradley: I know that. But didn't you in more recent times --

Kolwyck: It's been a continuing avocation. I now have -- I'm down to two colonies now.

Bradley: (laughter) Just enough for your dining table.

Kolwyck: Well, enough for me and enough for my neighbors and enough for the kids on Halloween.

Bradley: Yes, I see. Then, after your grade school education you went to UT [Knoxville].

Kolwyck: Went to UT, yes, in 1921.

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Bradley: Your birth year, then, would have been what? 1905?

Kolwyck: 1921.

Bradley: No, I say your birth year.

Kolwyck: Oh, birth year, 1901.

Bradley: '01?

- Kolwyck: Yes. You see, I was a somewhat -- I was retarded in my grammar education; I told them I was a retarded child. I was
075 twenty years old when I graduated from high school; that's two years longer than the average student.
- Bradley: Average child, as they are today. And your family -- we were talking a little bit before we started this interview, Clarence -- you were telling me your family was pretty much staunch believers in the federal side of the Civil War.
- Kolwyck: Oh, yes, yes. They had a distinct aversion to the Confederacy.
(laughter)
- Bradley: Was that an attitude that was fairly well-spread in that section?
- Kolwyck: Yes, yes, yes. As a matter of fact, in Henderson County today the Democrats don't even have a primary.
- Bradley: (laughter) It's completely Republican.
- Kolwyck: Yes, and I remember quite well in 1912 during the county election the first week in August, I was at my grandfather's house. The boys picked him up in a cane-bottom chair and set him in a mule-drawn wagon and hauled him to the polls and set him out [of the wagon] for him to vote. And [they put him] back in the wagon and brought him back home and set him out in the yard. It was a terribly hot day, and it was about too much for him, because he died the next year. He sat there with a palm leaf fan trying to get some breeze, and he said, "Well, boys, that's the last time I'll vote, but thank God, I voted it straight Republican." (laughter)
- Bradley: What about the county officials, were they pretty much Republicans?
- Kolwyck: Well --
- Bradley: There was no Democratic opposition at all.
- Kolwyck: No, the only opposition, the Republic-- Of course, the Republicans have their usual primary, and the only opposition the winner of the primary has -- unless somebody runs as an Independent. But there's no official Democrat against him. And that's true right today.
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- Bradley: During those years in which you were growing up, did politics interest you particularly?
- Kolwyck: I have no particular recollection of it except -- well, I was

(Kolwyck): interested in national politics more than -- and state politics, because I remember my father and an uncle by marriage got into a fight over the governor's race in 1910. Mother had to break it up. That's when [Ben W.] Hooper and* -- the first year of his election. But, I remember that. And I have a campaign button of [William Howard] Taft when he ran for president in 1908. And also at the Hall-Moody Institute, Charles Evans Hughes was the Republican nominee, you know; that year he resigned from the Supreme Court to run as a Republican. I remember that William Jennings Bryan came to Martin campaigning for Woodrow Wilson, and they let us out of school to go hear him, and he was a most impressive guy. This was a rather cold, dreary day, misting rain, and when he got off of the back car of his train, Pullman, to speak, he spoke in just an ordinary speaking voice. But you could hear him, it seemed like, for a mile; you could just feel the water drip off of those trees, trembling when he would speak. It was the most fantastic experience I ever had.

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Bradley: And probably a rather long speech.

Kolwyck: I don't remember, my recollection would be it was about thirty minutes, maybe forty minutes, something like that.

Bradley: Well, was your father active in politics?

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Kolwyck: Not particularly, although he was active in the sense that he wanted better education in Tennessee. And there was one thing that he insisted on: that I go to school. As a matter of fact, he carried me on his back a lot of days when he'd have to ford the creek, you know, with high water. (laughter)

Bradley: Tell me about the -- this is so unusual for people in this day and time to be reminded that there was a time when young people went to grade school or high school by railroad. You mentioned going from Darden to --

Kolwyck: Lexington.

Bradley: Lexington. What time did you have to catch the train? What sort of service was it?

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Kolwyck: Well, it was perfect service. There was a branch line that ran from Lexington to Perryville, and the reason for that branch line was that in the original building of the railroad --

* Hooper ran against Democratic candidate Robert L. Taylor in the 1910 governor's race.

Bradley: Excuse me, what railroad was that, Tennessee Central?

Kolwyck: N. C. & St. L. [Nashville, Chattanooga & St. Louis Railway]

Bradley: N. C. & St. L., all right.

Kolwyck: Yes. And when the road got to the Mississippi -- to the Tennessee River at Perryville, they decided it was going to be impossible to bridge the river. So they backed up to Lexington then, ran a new road by Johnsonville to Nashville, and that's the reason for the -- what we called the "Peavine Special," (laughter) and it made two trips a day between Perryville and Lexington.

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It would come up -- there was combined freight and passenger train, of course, as most of them were in those days, the smaller lines -- and it would come up about eight o'clock in the morning, and we'd board it and ride to Lexington. And then in the meantime, it'd make another round trip which -- but the last, its return trip, last return trip to Perryville, would leave Lexington anywhere from four to six o'clock, depending on the switching necessary for the engine to make. But it was a perfect arrangement.

Bradley: Do you remember what the fare was?

Kolwyck: No, I don't. It was, I would say, nominal in today's prices. The railroad sold a book of tickets, and I just don't remember what the price was. I think, probably, it was maybe around two dollars for a month, or something like that.

Bradley: After you finished UT, your baccalaureate work at UT, you went to UT law school?

Kolwyck: Yes, in those days you could go four years academic, but your senior year could be freshman law, which meant that you go six years and get two degrees, which I did.

Bradley: At that time the degree was -- what did they call it, LL.D?

Kolwyck: LL.B [Bachelor of Law]. It's J.D [Doctor of Jurisprudence] now.

Bradley: It's J.D now. They raised that to the doctorate -- well, it was always a doctorate level, I suppose.

Kolwyck: Yes, just like the medical profession.

Bradley: How Chattanooga? When -- oh, you are pointing to your wife (laughter).

Kolwyck: Augusta Rogers from Lookout Mountain, and I were classmates in 1925.

Bradley: What Rogers was this, Clarence?

Kolwyck: Her father's name was William Henry, W. H. Rogers -- they lived on Lookout Mountain -- and was the town recorder and the superintendent of streets of Lookout Mountain. And she was a student in -- one year, only, at UT, and I met her in 1925. She got her AB degree the same time I got mine.
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Bradley: This is Augusta Rogers, now Augusta Rogers Kolwyck.

Kolwyck: That's right, yes.

Bradley: And that was the reason you came -- were you married when you came?

Kolwyck: No, we didn't get married until six years after we met.

Bradley: Is that right?

Kolwyck: And four years after I got through school. You see, she stopped in '25, and I had to finish law school in '27.
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Bradley: I see.

Kolwyck: But I was having a hard time commuting between Chattanooga and Knoxville. (laughter)

Bradley: What was your first office? I mean, with whom were you first associated here, Clarence?

Kolwyck: Sam J. McAllester, who was one of Chattanooga's great lawyers.

Bradley: What field was he particularly interested in?

Kolwyck: Well, at that time, he was referee in bankruptcy, and was for several years after that. But his practice was mostly in the tort field, but he would handle anything that came along. One of the best researchers that I've ever known; in fact, if his politics had been right, he could have well wound up on the Supreme Court.

Bradley: I take it he was a Republican.

Kolwyck: Oh, he was a "hot-shot" Republican. (laughter)
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Bradley: Hamilton County has had a history of both parties being very active over the years, isn't that --

- Kolwyck: 195 Well, actually, Chattanooga was founded by union carpetbaggers, and in its early history it was Republican, and I think continued, more or less, to be until about 1920. And then it began to drift into the Democratic party, and stayed that way until just recent years.
- Bradley: Was there anyone else in the firm when you joined Mr. McAlles-ter?
- Kolwyck: Yes, Harry [R.] Hays was there with him, and -- well, that was all that was with him. And then, of course, Harry died in 1939*, prematurely, and he was a brother to Mark [Hannah, Sr.] Hays that just died a couple of months ago. Mark and I have been very close all those years.
- Bradley: Was it a practice in that period, in that era, to have smaller law firms? It was not generally a practice to have a larger firm which handled all sorts of things, was it?
- Kolwyck: 212 Well, I would say that -- of course, there were small firms, there were no big firms here in Chattanooga at all then -- three or four lawyers was a pretty good size firm. Although the firm of Miller and Martin, of course, has always been -- and it's the oldest firm in Chattanooga, too -- they've had more lawyers than these other firms. However, the -- John [C.] Stophel's firm [Stophel, Caldwell & Heggie] is getting to be pretty good size, and may be larger, even, than Miller and Martin now. That John Stophel is a remarkable guy.
- Bradley: He's an East Tennessean who came -- further up in East Tennessee.
- Kolwyck: Yes.
- Bradley: Who were some of the other leading members of the bar of that first era of the twenties and early thirties, in that era?
- Kolwyck: 224 Well, let's see, there was, of course, [White] Burkett Miller, who never did practice law much, and his partner, [F.] Linton Martin, they were great lawyers. And [John H.] Cantrell, [C. W. Kirby] Meacham, and [W. Deaderick, Sr.] Moon -- and incidentally Cantrell -- I have a die here, metal die, of Yarnell -- I mean, not of Yarnell -- of, excuse me --
- Bradley: Is that from what a card was engraved at that time?
- Kolwyck: Yes. And there was a firm Cantrell --

* Died March 12, 1938.

- Bradley: Let's see -- Garvin?
- Kolwyck: Garvin and Cantrell, yes.
- Bradley: Garvin and Cantrell, yes.
- Kolwyck: 238 And [Walter B.] Garvin was, I think, our greatest judge that ever sat on the bench in Chattanooga. But he and John Cantrell founded the Hamilton National Bank.* They were terrific lawyers. And then after he went on the bench, the firm became known finally as Cantrell, Meacham, and Moon. Of course, the remnants of it is [Harris, Moon, Bell & McCallie] -- [W.] Deaderick Moon, Jr. is in it now.
- Bradley: Did lawyers tend to separate their practice between civil and criminal matters at that stage?
- Kolwyck: 251 Very little. It was often said that lawyers took anything they could get, and that's true. There were some of them that didn't indulge in criminal practice. As a matter of fact, Sam McAl-
lester didn't and I never did; I never tried but one criminal case in my life, and he wound up in Brushy Mountain [Penitentiary] (laughter).
- Bradley: You must have been appointed to that one. You must have been appointed by the court.
- Kolwyck: No, somehow or other a bootlegger recommended to this fellow -- he was charged with burglary -- that he get me and he did. I decided that wasn't my -- that wasn't what I was cut out for. And I just refused to accept any appointments after that.
- Bradley: Do you recall who really specialized in criminal practice?
- Kolwyck: Yes, as I've said in my history [History of Chattanooga Bar Association 1897 to 1972], the Chattanooga part --
- Bradley: Incidentally, your history has just come out.
- Kolwyck: Well, it was published back in March.
- Bradley: March, yes, this year.
- Kolwyck: 265 Carl [C.] Abernathy, I always thought, was the greatest criminal lawyer Chattanooga ever had. And, of course, -- let me

* John H. Cantrell is listed as one of the incorporators and directors of Hamilton National Bank but no reference was found of Garvin being associated with the bank.

- (Kolwyck): see -- I was trying to think of -- most of the people that specialized in criminal law -- let me illustrate it this way -- wound up, a lot of them wound up, as drunkards. It just seemed to be a natural thing for a criminal lawyer to like the bottle. I can name over some, which I don't think would be appropriate here, who died as alcoholics, and one or two of them that got into drugs, and that was forty or fifty years ago.
- 275
- Bradley: Do you suppose the association with people who might have been addicted to alcohol was a factor?
- Kolwyck: Oh, I don't think there's any question about it, yes.
- Bradley: Back in that era the circuit and criminal courts were one, or the circuit court served as criminal court, as well as civil.
- Kolwyck: Until 1920. *
- Bradley: And then they were divided.
- Kolwyck: Then they were divided, yes.
- Bradley: Would Hamilton County have had one of each court at that time, or were there two divisions of either?
- Kolwyck: They established an extra criminal court at that time.
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- Bradley: And so there was one criminal court and one civil court, one circuit court.
- Kolwyck: Yes. But circuit court handled both until 1920.
- Bradley: And of course the chancery court was in existence, has been in existence since there was a legal profession, I suppose.
- Kolwyck: Since 1816. * (laughter)
- Bradley: Yes, in Tennessee?
- Kolwyck: Yes, yes, that's right.
- Bradley: It was written into the first constitution.
- 295
- Kolwyck: Constitution, yes.

* Staff has been unable to verify these dates and Mr. Kolwyck passed away before we could recheck data with him.

Bradley: Do you recall some of the leading -- you mentioned Mr. Gambill as being one of the -- Garvin, I believe, you mentioned -- one of the best of all judges. Do you recall the names of some of the other outstanding judges of all courts?

Kolwyck: Well, the circuit court -- and I have it set out in this history -- [Michael Morrison] Mike Allison was by all odds the best circuit court judge that we ever had. And I say that because -- now, he was only on the bench about nine years [1902-11], and he resigned because he wasn't making enough money to feed his family, and he had a big family. The work that he did for this county, city, and state after he went off the bench was the most outstanding, I think, of any lawyer who has ever been in Chattanooga.

Bradley: Now you say the work he did, that meant -- you are speaking of in other community affairs or civic affairs.

Kolwyck: Right, that's right, yes.

Bradley: That aspect of a man's life.

Kolwyck: At one time -- in 1915 he was chairman of the committee that designed the courthouse and the jail, and they built it for \$40,000 less than their original budget; \$400,000 was the cost of building the courthouse, and there's none other like it in the United States. It's a wonderful courthouse!

Bradley: Excuse me, this was in 1915, did you say?

Kolwyck: 1915, no it was 1911, but I'm talking about that era, about that five years. And he was president of the Chattanooga Bar Association, and he was president of the Dixie Highway Association, which, this county should never forget, built [U.S.] Highway 41. And he was head of it, he was president of it from 1915 to 1927, when it took two or three days to drive in an automobile from Chattanooga to Nashville. There wasn't a paved road in the county. And when you would start on a trip to Nashville you'd put a spade and a pick and maybe a sledge hammer and, of course, by all means, a draw chain, because if you got stuck you had to hook to your car and get some mules to pull it out. And he and his wife were the first people that ever traveled in an unbroken trip from Chicago to Miami.

Bradley: Is that right?

Kolwyck: Yes.

Bradley: The Dixie extended -- of course, this was the leg in which we were most interested in -- but it also extended to Atlanta and on south, right?

Kolwyck: Well, it started in Sault Ste. Marie, Michigan, and wound up
342 in Miami [Florida]; there were eight states involved. The
association consisted of directors appointed by the governors
of those eight states. And it started at Sault Ste. Marie
and came --

Bradley: Did the name "Dixie" go with it all the way?

Kolwyck: Oh, it was called the Dixie Highway.

Bradley: All the way up to --

Kolwyck: All the way.

Bradley: To the Canadian border.

Kolwyck: And by 1927 the federal government started putting money in
highway construction; they hadn't put a dime in it until then.
They suggested that it was a good idea to forget this giving
a highway a name and give it a number instead. And what was
354 Dixie Highway then became [U.S.] Highway 41.

Bradley: Is that right?

Kolwyck: Yes.

Bradley: This was Judge Allison's, one of his, great interests. You
were speaking of other things that he had done for the com-
munity -- some of the others?

Kolwyck: Well, I think that was enough.

Bradley: Yes. What are some of the other judges, do you remember them?
I mean, their names and --

Kolwyck: Yes. Of course, Judge [Oscar] Yarnell was one of the most
interesting judges we ever had here, but I wouldn't say that
he was a great judge. We accused him of being a judge out of
his pocket, and that he was allergic to law books and ragweeds.
(laughter) At one time he declared that art was bunk from the
369 bench, and it was publicized all over the United States.

Bradley: That was in connection with a suit in which an artist was one
of the principals, wasn't it?

Kolwyck: It was -- yes, the husband was. He was an amateur -- what do
you call them -- that design statues and so forth?

Bradley: Yes, sculptor, that is.

- Kolwyck: Sculptor, yes, and he wasn't making a living and his wife sued him for divorce. Her home was in Oklahoma and she had two or three kids. This suit was about the custody of these children. Of course the father was trying to retain it here. He introduced a lot of witnesses stating, you know, what a marvelous architect he was and so forth, but he just hadn't arrived yet. Judge Yarnell stamped and says -- I was there, I heard it and saw it -- he used a heavy glass for a gavel. He slammed it
387 down on the table and he said, "Art is bunk! (laughter) I give custody of these kids to the mother."
- Bradley: It took him a long time to live that down, I guess, or if indeed he ever did. How fast did our courts expand? Did they keep up with the demand for hearings and trials at that --
- Kolwyck: I would say that our courts expanded exactly as they should, and are still in that shape. As a matter of fact, they are a little ahead; in fact, we have more circuit judges here for population, I think, than most any county in the state.
- Bradley: Which brings up one question, one thing, that you hear -- I have heard over the years -- that Hamilton County and this area is a litigious, tends to be litigious in nature and attitude. Is it? What do you think about that? Do people just file suits? Why do we have so many more suits? Or do we?
- Kolwyck: One reason is we have too many lawyers. (laughter) No, East Tennessee, as a whole, is considered more litigious than the rest of the state.
- Bradley: Do you see any reason for this, Clarence?
- Kolwyck: Yes, the English derivation from the mountains, you know, and where they came across from Virginia, North Carolina, into
415 Tennessee, and they just -- the Hatfield and McCoy feud and all that, you know, it's just part of the heritage.
- Bradley: And when they get into an argument they want to take it to court, or tend to nowadays.
- Kolwyck: Yes, they take it to court now instead of the gun.
- Bradley: Yes. (laughter) For a long time they used more direct methods.
- Kolwyck: Yes, that's right.
- Bradley: All during the years, many years, of your practice, you have been a leader in the Chattanooga Bar Association, Clarence. I know you served in many capacities, and as president for '47, I believe it was, wasn't it? The year 46-47, 47-48?

Kolwyck: Yes, in 1947, yes.

Bradley: During which you won -- the association won a national award.

Kolwyck: Yes. I'll never --

Bradley: Was that from the American Bar, was that the award?

Kolwyck: That was given, and I was present at Cleveland, Ohio, of the
433 American Bar convention that year. *

Bradley: What was the basis of the award?

Kolwyck: The basis of the -- primarily, the basis was the investigation that we had made of divorce. We had a bunch of lawyers and a judge who was granting divorces to wives of servicemen overseas without the serviceman knowing anything about it, which was a criminal offense. We unearthed, oh, innumerable cases like that, which the lawyers had to rectify. These women had remarried, and they'd have to hunt them up, and re-try the original divorce case.

Bradley: Wasn't the fact of the so-called easy marriage laws and practices in Georgia a factor in this?

Kolwyck: It was, I've forgotten the figures now. The year that we investigated, we investigated every case that was filed here that year. I think there were six hundred marriages in Hamilton County and about four times more than that in Georgia, and they were the ones that were getting most of the divorces. Georgia didn't require -- in fact, it hardly required an age limit -- and didn't require a physical examination; we did. And this investigation was largely responsible for Georgia eventually amending their laws and put them in line with the rest of the states. Your old friend, editor of the Times, you know, was
468 one of the leaders along there.

Bradley: Yes, [Alfred] Alf Mynders.

Kolwyck: Alf Mynders, yes.

Bradley: I believe one of the -- Vaughn Smartt, who was a reporter on the Times, did a good deal of work in connection, collaboration with that.

* The Chattanooga Bar Association received the American Bar Association's Award of Merit September 25, 1947.

- Kolwyck: 473 He's the one who discovered it. Right after the war there was a husband who filed a suit against his wife, who had gotten a divorce without him knowing anything about it, but at the same time had collected all of the benefits, you know, that the military was giving to wives of overseas soldiers and so forth, and Vaughn happened to pick it up at the courthouse. He just started -- he was a good, good courthouse reporter; in fact, one of the best, I think, we ever had. He ran down ten cases there in one day's time. It made the headlines of the paper, and the bar association had to get into it, and I was appointed chairman of that five-man committee. Alf Mynders always referred to it as the "Kolwyck Committee." (laughter)
- Bradley: I've heard it said that people could get married, and sometimes did, get married in Georgia in the morning and be divorced in Tennessee, in Chattanooga, that afternoon. I don't know whether that's --
- Kolwyck: Well, we -- that was possible, of course. We did run across one case where they got drunk one night and got married -- see, they kept these marriage --
- Bradley: License --
- Kolwyck: License offices opened twenty-four hours a day -- and they got married in Rossville, and they sobered up and got a divorce the next day in Tennessee. And we had another case where they got a divorce -- I mean, they started the petition all in one day, got a divorce and got married within a period of less than an hour.
- Bradley: That was unbelievable. Who handled -- what court handled -- heard divorce cases?
- Kolwyck: 513 Well, they could be heard either by chancery or by circuit court, but most of them were in circuit court. In fact, ninety-eight percent of them were, and usually most of them were handled by one judge because he'd always grant the divorce. He'd just take a lawyer at his word and sign the order, and that was it.
- Bradley: Was that -- as far as the investigation showed, that was just his predilection, wasn't it? He wasn't -- there was no -- or was there any suspicion of illegal fees or anything of the sort?
- Kolwyck: 529 No, no, no. He was a very honorable judge, otherwise, and prided himself on being a lawyer's judge. If a lawyer brought a petition up there, why, he assumed that it was correct, and he would never read it. He'd just go ahead and grant the divorce after a couple of witnesses testified.

Bradley: I have heard said that on occasion some judge would be hearing some sort of lawsuit, and lawyers could come to him and he'd sort of scoot down to the end of the bench and hear that divorce case and grant it without ever interrupting the other case. Had you ever heard that story?

Kolwyck: Well, it wasn't that. I don't know of any -- oh, that happened invariably when this particular judge would be, say, trying a tort case. A lawyer would come up there -- and he could recognize the ones that came up there with a divorce -- and he'd [judge] just say, "Well, we'll adjourn court, take a few minutes off," and he'd go in his office and grant the --

Bradley: I see.

Kolwyck: But I don't think -- he wouldn't do it from the open bench.

Bradley: This was one of the -- I hesitate to call it a scandal -- but one of the things that troubled the bar here and troubled the legal profession here over the years. Were there other sorts of trends along in those years, Clarence, that really had a --
554 brought the bar into any sort of disrepute?

Kolwyck: I would have to say yes. Two things, mostly: piking lawsuits, you know, we had a -- oh, Chattanooga was just infected with that.

Bradley: Can you just give a brief description of what piking a lawsuit is?

Kolwyck: Well, if they hear of an automobile accident, why, they contact the police department and find out who the parties are and look them up, and say -- take a contract for them to sign and get the case. Then they were -- back in those days there were a lot of policemen in on the deal and getting a rake-off on it.

Bradley: They would call one attorney or another.

Kolwyck: Yes, yes.

Bradley: That's one aspect of the so-called "ambulance chasers," I
577 guess.

Kolwyck: Well, yes, that's what it -- that was the proper name for it in those days.

Bradley: How was that -- I know, too, in your work with the law association, you were chairman for many years of the panel of Special Masters, I believe.

Kolwyck: Yes, thirteen years.

Bradley: Ten years?

Kolwyck: Thirteen.

Bradley: Thirteen. And they handled -- that particular group handled disciplinary matters for the bar. Did you have a great number of cases before you, or just -- were there particular lawyers who came before the group, time after time?

Kolwyck: Well, actually, by the time the Special Masters came along --

Bradley: Let's set the time -- about the --

Kolwyck: Well, let's see, 19--, oh, about 1970, I guess.

Bradley: '70?

Kolwyck: Yes, and a little before; '69, I think, was the beginning of that, when my service -- I said there were two things that brought the bar into disrepute. * And another one was lawyers just borrowing money like [Geraldine] Ferraro ** (laughter) has done at Queens. They were borrowing their clients money and never did pay it back. In other words, it was stealing. And they were not making a living; I mean, they were entitled to some sympathy, but not that much. But there was any number of them that when they -- the court would appoint them, you know, as a guardian or an administrator, and they just put the money in their own bank account. We had several of them that did that, and some that never did pay it back.

Bradley: Who would bring -- how would that come to the attention of the Masters?

Kolwyck: Well, finally --

Bradley: Would a complaint come from the client?

* On December 11, 1959, the State Supreme Court authorized the chancellor to appoint Special Masters to the Chattanooga Bar Association to investigate charges of unethical conduct by its members. The Special Masters were disbanded when the Tennessee Supreme Court established its own disciplinary council and board in 1975 to investigate complaints against Tennessee lawyers.

** 1984 Democratic vice-presidential candidate.

Kolwyck: It would come from the client, it would come -- in fact, it
631 would come from other lawyers a lot of times, and it would come
from the bar association. Ray [L., Jr.] Brock, when he went
on the bench as chancellor [October, 1963-1974], put out an
order -- that's when he appointed me as chairman -- requiring
us to only consider cases submitted by the bar association,
and by his office. And that relieved us of a lot of inves-
tigation, and we insisted on all complaints being in writing
and sworn to, and that reduced them a whole lot.

End Tape 1, Side 1
Begin Tape 1, Side 2

Bradley: Well, you were saying, before I had to change the tape, Clar-
ence, that the cases that came before the Masters were brought
014 by, or were based upon formal complaints. Excuse me, the Mas-
ters were appointed by the chancellor.

Kolwyck: Right.

Bradley: Well, in your opinion, did that effort, overall, serve to clear
up most of the problems?

Kolwyck: It helped a great deal because the Masters tried to take a sen-
sible view of the situation, and if we were presented with, say,
a young lawyer who had put a few dollars in his pocket from an
estate and we could get it settled, why, we would do so and that
would be the end of it.

Bradley: Would the attorney be reprimanded in any way? I guess --

Kolwyck: Well, you've got the private reprimand, you've got the public
reprimand, you've got the disbarment for a period of years,
and disbarment for life. It would depend on the measure of --

Bradley: The severity of it.

Kolwyck: Severity of the offense.

Bradley: In this case, say, as you were recounting a moment ago, a minor
case, more or less, and there might have been a private reprim-
mand, would that have come from the judge of the court, or the
bar association?

Kolwyck: Well, it would usually come from the Masters. It would be in
030 our report to the chancellor; we'd recommend what was to be
done.

Bradley: Twenty years ago, say, that would put us back to the sixties,
there was a feeling that the bar here did not adhere to the

- (Bradley): 036 highest sorts of principles. I don't mean the whole bar -- there were too many members who did not. Do you think that it has -- that situation has changed in subsequent years?
- Kolwyck: Oh, yes, I think in the last -- well, I think, the Special Masters had something to do with it, but of course now all the -- the conduct of all ethics matters is done by a committee appointed by the Supreme Court of Tennessee. And that's -- it's out of our hands entirely here; the bar association has nothing to do with it anymore.
- Bradley: I see. Is there a standing committee to that effect, or is it appointed only as needed to investigate some --
- Kolwyck: Oh, it's an official -- you might say, it's an official bureau of the Supreme Court of Tennessee. I don't remember now what the exact routine of it is, but they appoint this committee for a period of years, and in some cases I don't think they can succeed themselves. And then they employ investigators, and these investigators make their report to the committee and then the committee makes a report to the supreme court. And periodically we get a notice from the supreme court that so-and-so and so-and-so has been disbarred for life, or whatever the disciplinary action was taken. It's a wonderful thing, although I think the Special Masters finally did a pretty good job in Chattanooga.
- Bradley: It would appear that Special Masters probably served particularly well because they were local people who knew the local situation.
- Kolwyck: 057 Oh, yes, yes. And another thing, [Charles A.] Charlie Noone, you'll probably remember him, was one of our good lawyers, and he was criticized a whole lot by some lawyers. But he left a fund to be used in helping lawyers who couldn't help themselves, provided their condition was not caused by liquor. (laughter) And that fund is -- of course it's \$20,000, and it's being used every year, right now, all the way -- it's a permanent fund.
- Bradley: Who administers it?
- Kolwyck: He provided that the president and secretary, I believe it was, of the bar association administer it.
- Bradley: And is the money available in loans or grants, or both?
- Kolwyck: Well, I don't know of any loans that have been made, certainly grants.
- Bradley: Yes, I see.

Kolwyck: And he provided that no lawyer could get the benefit of it more than one year in succession, I believe that provision's in it. And that started -- he got that idea when I was president of the Chattanooga Bar. This was right after World War II. And we had a widow of a former president of the Tennessee Bar, and one or two lawyers who were about to starve to death. One of them was a Negro lawyer who was flat of his back. Some of us got together, mainly with Mr. Noone, and he had the money. And there was another lawyer, too, that had been president for two years of the Chattanooga Bar that was almost on starvation. And we raised money to help them, and that's where Mr. Noone got the idea of leaving this trust.

072
Bradley: This was just simply a matter within the bar association itself, because its members knew of the situation that existed.

Kolwyck: Oh, yes, yes. In fact, I remember that I was somewhat -- I may have suggested it; I don't remember now whether I did or not, because I knew the situation.

088
And this Chattanooga -- well, these two lawyers, one of them alive and one dead, were great lawyers, but they had just reached the point where they just didn't have any practice anymore. And that's happened to a lot of lawyers in Chattanooga, that no matter how good they were in their prime, they just finally reached the point where they couldn't make a living. Of course, the big firms now usually take care of that, but I'm talking about -- those were mostly individual practitioners in those days.

Bradley: Yes. In addition to your work with the Chattanooga Bar Association, you served as president of the Tennessee Bar Association.

Kolwyck: Yes, yes.

Bradley: And, I know, have been on a number of committees of the American Bar.

Kolwyck: Yes.

Bradley: Did those experiences give you any special insights or directions from which you might act here, locally. Did they present any sort of thing that you could bring back and apply to Chattanooga?

105
Kolwyck: That's possible, but I can't recall anything now, because this was on a state and national level. Of course, it's true that -- rather, after this episode in 1947, that catapulted me on to a national committee on family law, and my committee finally

(Kolwyck): organized the section in the American Bar. I was the second chair -- well, I was the chairman of the committee when it was made into a section. And then I was also a delegate from the section to the American Bar House of Delegates.

112 And then this delegateship lasted for two years, and the president of the American Bar appointed me on an eight-man committee to organize a section of general practice. We organized that in '62 in San Francisco. And so help me, they appointed me as the delegate to the House of Delegates to the American Bar. So far as anybody knows that's the only time that's ever happened, that you succeed yourself in a different section.

Bradley: In a different section or --

Kolwyck: Far different section. Now, I estimated that I have spent ten years on bar activities, local, state and national.

Bradley: Which is a very meaningful aspect of the profession, because without it you'd have no -- not very much internal administration or functioning.

Kolwyck: That's right. Well, it was a great experience; let's put it that way. Because it was something you felt like you were doing something for the benefit of the profession.

Bradley: I know another of your very particular interests has been in
130 the field of education. You mentioned the fact that your father was interested in education, made you go to school. But you have served as -- well, one thing I know -- one of the advisory committees for the community college and state technical institute here.

Kolwyck: Well, no, that came out in this way, that [Governor] Frank Clement appointed me on the board of education in '55, and that's when I learned that the paucity of education in this area -- public-supported, state-supported education -- we didn't have any, and didn't have any within a hundred miles of Chattanooga. That's where I got the idea of recommending that the technical institute be established here.*

Bradley: Were you instrumental, too, or did you work on the way in which
142 the state-administered framework was made to handle the

* Kolwyck served as chairman of a special Chamber of Commerce Education Committee which was instrumental in establishing Chattanooga State Technical Community College. CSTCC began as Chattanooga Technical Institute in 1963.

- (Bradley): institutes and community colleges and the others? Were you on the state board at that time?
- Kolwyck: No, that was before these ever came about. Nobody ever heard of a junior college when I was in the state board of education.
- Bradley: How long were you on the state board?
- Kolwyck: Six years. Which gave me long enough to know that we didn't have it in Chattanooga.
148
- Bradley: At that point the state board of education was charged with educational programs of everything up to the university, isn't this true? *
- Kolwyck: Yes, up to the University of Tennessee.
- Bradley: Up to the university; the university has always had its own trustees.
- Kolwyck: Separate board, yes, yes.
- Bradley: Well, have you, since the middle fifties and sixties, which now is twenty or twenty-five years ago, have you been very active locally with the development of the community college?
- Kolwyck: Well, to a certain extent. I've kept in close touch with it. They accused me of watching every block being laid in that building out there. (laughter)
- Bradley: It's become quite a remarkable institution.
- Kolwyck: Oh, yes, yes.
- Bradley: Did you ever serve on the local board of education, Clarence?
162
- Kolwyck: No.
- Bradley: Anything particularly about the local school system? You never were involved with that; that was a local matter.
- Kolwyck: No, other than when I was on the board of education, I attended a lot of the local board meetings, which was good for us, for

* State Board of Education has jurisdiction over all Tennessee Public Education from kindergarten through high school, and over the state technical institutes and vocational education.

(Kolwyck): 166 the state board, and good for the local boards, too, because we -- it was the source of communication between the two. I felt it was my duty to do that, and they welcomed my attendance at those board meetings.

Bradley: Well, one more thing I think we ought to talk about a little bit. You have been a staunch Republican, are a staunch Republican. You said earlier your background in West Tennessee was such, and you have certainly been a Republican leader here over the years. What is your feeling, your reaction to the development of political matters here? I'm not talking about partisanship now, I'm talking about the interplay of the two parties. Are politics today managed better than politics, as politics were?

Kolwyck: As it used to be?

Bradley: As it used to be.

Kolwyck: 181 Oh, by all means, much better! And it's pretty clean now. I'll never forget the way it used to be managed here, back in the poll tax days, you know. Both parties would get them to go up to the trustee's office and buy a whole pad of poll tax receipts, blank, and (laughter) we'd meet with a bunch of the Negro leaders and the whites, too, and give them a poll tax receipt and a drink of whiskey or a dollar or two and get them to vote any way you wanted them to. I mean it was that low-down!

Bradley: There was, very evidently, just simply an acceptance of the fact that poll tax receipts could be bought and used in that way.

Kolwyck: They were used that way.

Bradley: Yes, I say, and there was an acceptance of that, wasn't it, although it was just openly illegal?

Kolwyck: Oh, of course it was, yes.

Bradley: 197 As I recall, the law said it was against the law to be in the possession of a poll tax receipt made out to any other person, or blank.

Kolwyck: (laughter) Maybe so, yes.

Bradley: But that didn't work out that way.

Kolwyck: No.

Bradley: Well, the changes then, in your viewpoint, as far as local politics in the political processes, has been -- the developments have been to the good.

Kolwyck: I think they've been fantastic. I don't know of any criticism you can level at -- generally speaking, at the way politicians run the county and city government. I think we've been very fortunate in having pretty clean men run for those offices, and stand for principles.
203

Bradley: It's quite different from what it was in the fifties, the fifties is -- that period, that decade is the one in which I remember as being --

Kolwyck: It was pretty rough.

Bradley: The controlled wards, the poll tax -- well, the poll tax scandals which were part and parcel of the controlled ward idea.

Kolwyck: Yes, yes.

Bradley: And that was one of the main --

Kolwyck: Yes.

Bradley: I remember, too, back in the days of the paper ballots, one election, and I don't recall the year, but the election was on Tuesday, but not until Thursday morning that the Brainerd precinct finally reported. And I have a feeling that that was less a matter of any erupting influence; it just showed that the overloading or the slowness of it for counting the ballots. That was just -- the mechanical devices have changed.
219

Kolwyck: Oh, yes, yes.

Bradley: Well, Clarence, it's been wonderful talking to you. Is there anything else -- I know the law has been your life -- anything else about the profession or about the place it's played in the development of the community that you recall, anything else that we haven't talked about?

Kolwyck: Well, I've always valued lawyers, more on what they've done for the community, state and nation, than the exercise of their ability as lawyers, because the legal profession is in a position to help humanity, just like a doctor is for the health of the community, like a preacher is for the salvation of the community. The three just go hand in hand, and when one profession falls down on its job, we have trouble. The founders of the United States of America were a majority of lawyers, and if it hadn't been, we wouldn't have had the Constitution that we have today.
235

- Bradley: Traditionally, they have been community leaders, community in the broadest sense of the word.
- Kolwyck: Yes, that's right. I mention in this history, [Thomas] Pope
244 Shepherd, I don't know whether you -- do you remember Pope?
- Bradley: Yes.
- Kolwyck: I rated him as the best all-around lawyer this bar has ever had, both on his ability -- he could handle any sort of a lawsuit, and did -- but he remodeled the government of Chattanooga and of Hamilton County. What more can a lawyer do?
- Bradley: Through his influence.
- Kolwyck: And ability.
- Bradley: And ability.
- Kolwyck: Yes.
- Bradley: He was never on the bench.
- Kolwyck: Oh, no, no.
- Bradley: He was always in private practice.
- Kolwyck: In fact, I don't think he would have accepted a job on the bench. But he was responsible for the commissioner form of government that we have in city court -- I mean in city organization [1911]. And he also abolished the JP [Justice of the Peace] system in Hamilton County and set up the --
- Bradley: County council.
- Kolwyck: County council, and the small claims court judges; that was
259 all in one package, you see [1941]. And I don't think we ever had a lawyer that could have done that as well as he did.
- Bradley: Is there anything unusual in Chattanooga in that a number of the outstanding lawyers we have had were members of the same family? No, brothers or cousins -- Shepherd is, of course, a well-known name.
- Kolwyck: Well, his father [Lewis Shepherd] was a judge.
- Bradley: Yes.
- Kolwyck: Back about 1890. That has had something to do with it, yes. Well, the Miller and Martin firm -- that is, down to Burkett

- (Kolwyck): 273 Miller -- that was all family, handed down in the family, and that firm started, actually, at Athens, Tennessee, in 1860 -- 1865 it was. [1867]
- Bradley: And this is -- what you said a little while ago -- this is the oldest firm in Chattanooga.
- Kolwyck: It is the oldest firm, yes. I think the next oldest is the Thomas firm*; he came here in 1882, and that's the second oldest.
- Bradley: The Chambliss firm is another one which you think of in relation to a family.
- Kolwyck: Oh yes, yes, and, unfortunately, that family name will pass out of existence when Jac Chambliss dies. In fact, he and I have discussed it many times. And a noble family. His grandfather [Alexander Wilds Chambliss] was not only a great judge, but a great man, personally.
- Bradley: Chief justice of the supreme court for many years.
- Kolwyck: Twenty-odd years.** Let me just read you here what -- if I can find it real quick --
- Bradley: This is from your history.
- Kolwyck: 295 Yes, yes. "He was a scholarly Southern gentleman as though to the manner born; kindly, affectionate, and generous, a speaker of distinction, originality and charm, at all times gracious and courtly."
- Bradley: A wonderful description. Are those your words?
- Kolwyck: Yes. Well, as a matter of fact, they are words combined, Jac and I worked together on. (laughter)
- Bradley: Well, the Paul Campbell firm is another of a family --

* W.G.M. and Lavens M. Thomas formed a law firm in 1882 which is now known as Leitner, Warner, Owens, Moffitt, Williams and Dooley.

** Alexander W. Chambliss was appointed to the Tennessee Supreme Court September, 1923. He served as Chief Justice from February, 1947 until his death in October of the same year.

Kolwyck: Yes, that started in 1908 with Paul Campbell, Sr., and [James
306 F. Sr.] Jim Finlay -- Finlay & Campbell; they were the first
tenants in the James Building.

Bradley: Is that right?

Kolwyck: Yes.

Bradley: They've been associated with Chattanooga history for a long
time. I understand now that the Campbell firm, with Paul,
Jr., and his three sons*, all in practice together, is one
of the -- perhaps, one or two or three such firms in the
312 country now.

Kolwyck: In the whole United States. As a matter of fact, I think that
probably it is the only one.

Bradley: Three sons together*.

Kolwyck: And they're good lawyers, too.

Bradley: Yes, they are. Well, Clarence, I want to thank you again for
sitting down and talking. It's been a pleasure.

Kolwyck: Well, I've enjoyed doing it.

Bradley: Good.

End Tape 1, Side 2
END OF INTERVIEW

* Paul III, Michael, and Doug Campbell.

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