

HISTORICAL SOCIETY NEWSLETTER



February 2000



This photograph of the courtroom in the old courthouse on Main Street was made on October 1, 1998, the day after the courthouse was vacated by the court.

Early Court Minutes

When federal court operations were moved from the old Post Office and Courthouse in Knoxville in September 1998, the court kept copies of the minutes of the final hearings and trials so they could be preserved for posterity. That prompted the court to ask the National Archives in East Point, Georgia, for copies of the first minutes and orders issued from court proceedings that took place in that building after it was dedicated on February 15, 1934.

The federal archivist who works with the Eastern District of Tennessee records, **Mary Ann Hawkins**, said, "Most of the proceedings before the court (during that period) were bankruptcy cases, as this was right in

the middle of the Depression." She sent the court a copy of the first civil case order to emanate from that courthouse. The order, dated February 16, 1934, was issued by **Judge George C. Taylor**. It was in a case styled Peoples Telephone and Telegraph Co. vs. The Tennessee Electric Power Co. and allowed an appeal by Peoples Telephone of an order that dismissed its case.

Another order issued a few days later was in a bankruptcy case involving Ross-Republic Marble Corp., represented by attorney **Robert S. Young**, father of Knoxville attorneys **Robert S. Young Jr.** and **Lindsay Young**, twins, both of whom started practicing law in 1936.

Save the Courtroom

Society Chairman Jack Wheeler has appointed a committee to investigate ways that the Society might help preserve the ornate courtroom on the second floor of the U.S. Post Office and Courthouse at 501 Main Street in Knoxville. Knoxville attorney **W. Thomas Dillard** is chairman.

Mr. Wheeler said, "For well over 50 years, many East Tennessee lawyers had their first direct experience with our federal court system in the main courtroom of the old Post Office and Courthouse. The setting had dignity and majesty that could only inspire a sense of importance of proceedings conducted in that room. As attractive and efficient as our new courtrooms are, they do not, and never will, match the atmosphere of dignity and tradition that so pervade the old main courtroom. We must preserve that in a time when respect for the rule of law seems in decline."

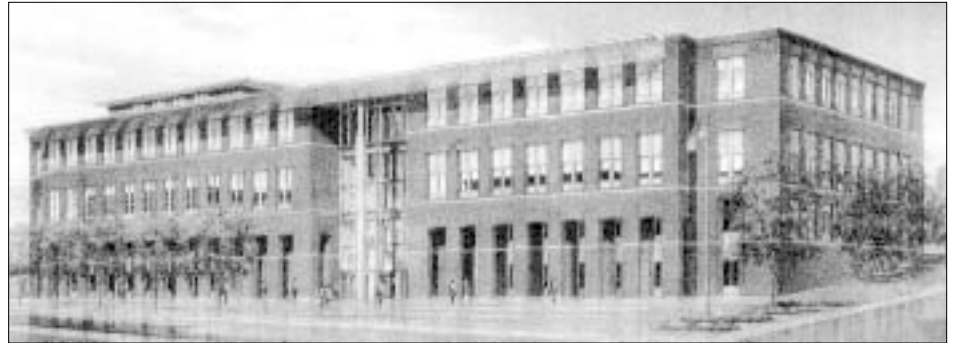
"Tom Dillard tried a lot of cases in that old courtroom. He has chosen a committee of lawyers known and respected for their ability to get things done," Mr. Wheeler added. Other members of the committee are Knoxville attorneys **Bernard Bernstein**, **Margaret Klein**, **John Lucas**, **Arthur G. Seymour Jr.** and **Sarah Sheppard**.

One thing to develop from the committee's first meeting was the idea to work toward getting a monograph written about the old courthouse.

continued on page 2



This view shows the high-rising lobby of the new Greenville federal courthouse.



Architect's drawing of the new federal courthouse being built in Greenville.

Courtroom

continued from page 1

Committee member **Margaret Klein** asked her husband, University of Tennessee historian **Dr. Milton Klein**, to pursue that project through his contacts in the history profession. Such a treatise was written about the Chattanooga federal courthouse in 1995 by **Sara Butler**, an architecture student at the University of Virginia, and she provided the court and the Society with a copy.

Efforts will soon have to be made toward preserving the courtroom and other court facilities in the 96-year-old federal courthouse at Greenville. That building will be vacated in 2001 when the new courthouse, now under construction, is completed.

The Taylor Family

Bob and **Alf Taylor**, the uncle and father, respectively, of **U.S. District Judge Robert L. Taylor**, are legendary because of their gubernatorial campaign, known as the "War of the Roses," and Judge Taylor himself had his claim to fame, but one of their ancestors earned quite a bit of acclaim also. He was **Nathaniel Greene Taylor**, father of Bob and Alf. Nathaniel's great-grandson, **Dr. B. Harrison Taylor**, spoke on "The Life and Times of Nathaniel Greene Taylor" at the October Brown Bag Lecture sponsored by the East Tennessee Historical Society. Nathaniel was a lawyer, a lecturer, a Methodist minister, and a member of Congress, serving in 1854. He served as the Commissioner of Indian Affairs from 1867-69, appointed to that post by **President Andrew Johnson**. During his years as a Methodist minister, he served Knoxville's First United Methodist Church, and his name is listed there today on a plaque in the church's memorials room that contains the names of the church's former ministers. He was the eleventh minister to serve the church.



Dr. Harrison Taylor

Chattanooga's First

Society member **Alf R. O'Rear**, Chattanooga, has shared with the Society some information and clippings about **Mrs. Marguerite Kelly Lanham**, the first woman lawyer from Chattanooga, perhaps even the first in the district, to be admitted to practice in federal court. A newspaper clipping reported that Mrs. Lanham "became the first Chattanooga woman to be accepted for practice in federal court when she was introduced to **U.S. District Judge Leslie R. Darr** this morning, "which was the morning of Nov. 14, 1939, according to court records. The clipping said she was introduced to the court "with 10 other attorneys—all men." They were **James L. Wolfe, Robert P. Frierson, Julian H. Black, Robert N. Chambliss, O.C. Welch, Thomas M. Cate, Howard J. Sears, E.J. Bryan Jr., Hardwick Stuart, and Charles S. Mayfield, Jr.**



Mrs. Lanham

Mr. O'Rear said, "I was associated with Marguerite in the practice of law from about August 1952 until late 1989, and found her to be always a lady, and she was liked and respected by the bar and the community in which she lived."

Mr. O'Rear also sent along a paper Mrs. Lanham wrote, titled "Early History of Women Lawyers," written while she was in law school in the mid-1930s.

Another First

The Sixth Circuit Court of Appeals was the first appellate court in the nation to have a woman as a member. She was **Judge Florence Ellinwood Allen** of Cleveland, Ohio. Judge Allen was appointed to that judgeship by **President Franklin D. Roosevelt** in 1934. She "remained the only woman appointed to an Article III federal appeals court during her lifetime. Not until two decades following her judicial

retirement in 1959...were women appointed in large numbers to the federal judiciary," wrote **Sixth Circuit Court Historian Rita F. Wallace** in an article titled "Reaching for the Gavel."

In response to a question by the Society, Ms. Wallace informed us that the first woman federal judge was **Marilla Ricker**, who was appointed a U.S. commissioner in 1884 in the District of Columbia.

Acquisitions

The Historical Society of the Eastern District of Michigan has an acquisitions committee that is working to contact relatives, descendants, associates, or any others who might have or know of artifacts, memorabilia, photographs, literature or any other materials related to the history of that court and its members. This kind of project would greatly benefit our Society. We already have a number of artifacts, documents, and photographs but would like to have many others. Those who have items to offer for the Society's consideration should contact **Don K. Ferguson**, chief deputy clerk of the court, 865/545-4699.

Identity Not Certain

Court personnel ran into a problem recently when placing nameplates on portraits that had hung for years in the courtroom on the second floor of the U.S. Post Office and Courthouse in Knoxville. They realized that the portrait they had thought was a painting of **U.S. District Judge David M. Key** very likely is not a portrait of him after all. The picture on the right, below, is Judge Key, as shown in *Justice in the Valley*, the book that was published in 1998 about the 200-year history of the court. This picture of

Judge Key came from the UT Special collections Library archives and is presumed to be correct. The picture on the left is the one that court personnel presumed to be that of Judge Key. There had been no nameplates on four of the five portraits that hung in the old courtroom, so the court had nameplates made for the portraits before hanging them in the halls of the new federal courthouse. In double-checking to make sure that the right nameplate got on each portrait, court personnel discovered the discrepancy.



Identity Uncertain



Judge David Key

**THE HISTORICAL SOCIETY OF
THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
TENNESSEE, INC.**

*Howard H. Baker Jr. U.S. Courthouse
800 Market Street, Suite 130
Knoxville, Tennessee 37902*

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Eastern District of Tennessee
Newsletter Editor

(Knoxville lawyer **Baxter Lee** died in February 1939, on the eve of being sworn in to fill a newly created federal judgeship for the Eastern District of Tennessee, a judgeship that ultimately was domiciled at Chattanooga. He suffered a heart attack while in the chambers of U.S. District Judge **George C. Taylor** in the old U.S. Post Office and Courthouse at 501 Main Street in Knoxville. We asked Knoxville lawyer **Arthur G. Seymour**, a friend of the Lee family, to provide the Society with his recollections of Baxter Lee and the circumstances surrounding his untimely death. Mr. Seymour's account follows.)—EDITOR



Mr. Lee

REMINISCENCES OF BAXTER LEE

BY ARTHUR G. SEYMOUR, 9/15/99

I cannot remember a time when I did not know **Mr. William Baxter Lee** (known generally as Baxter). He and his wife, **Elizabeth**, (he called her Lizzie) and my parents were close friends; they visited in the homes of each other and took trips together.

When I first knew the Lee family they lived on North Central Avenue, at the corner of Pearl Place, a block from Baxter Avenue. It was a large frame house. In later years the site became the location of Sears-Roebuck and is now the site of Central Receiving and Records Management for Knox County.

The Lee children were two girls and two boys. The girls matched up with two of my sisters, and I with **McAfee**, the youngest. I mention this because as children we visited with our parents.

In addition to Mr. Lee's wife and children, his mother lived with them in her old age. I believe it was after the elder Mrs. Lee died that the family moved in 1926 to a house at 1730 Rose Avenue (now Andy Holt Drive) at the corner of West End Place. This house was only one and a half blocks from the Seymour home on Melrose Place. So it was on Rose Avenue that I came to really know Baxter Lee. He was such a congenial, outgoing person, a good conversationalist, with an infectious laugh and he seemed to enjoy the company of young people, especially for a game of cards.

The home on Rose Avenue had a small room on the left of the entrance hall and across the hall from the living room; it was called the den and there was always a card table and chairs around ready for a game. Mr. Lee would frequently challenge whomever was around to a game of hearts or bridge. I am not an expert bridge player, but consider that I play a fairly good game, and I learned it from Mr. Lee. His son, McAfee, was a better student than I because he became a very astute bridge player. Anyway, I spent a lot of time in that home in my teen years and enjoyed Mr. Lee's congenial nature and hospitality.

By this time Mrs. Lee's mother, **Mrs. Matthews**, had come from Virginia to live with them and she too joined in the card games.

McAfee and I were both members of the same social fraternity at the University of Tennessee, Kappa Sigma. In November 1938 the fraternity house, located at the corner of then Temple Avenue and Rose Avenue, caught fire in the early hours of the morning and burned almost to the ground. Fortunately, there were no serious injuries among the approximately twenty-five to thirty boys and a house mother, who resided in the house. Several members of the fraternity whose homes were in Knoxville took in the boys for about three weeks until another house could be rented and furnished. Two Memphis law students, **William H. D. (Bill) Fones** and **James L. (Rudy) Garthright**, moved into the Lee home.

Bill Fones has told me that this time was one of the most interesting experiences of his entire life. He recounts that regularly after dinner at night, Mr. Lee would lead the two of them plus McAfee to his library where he drilled them by asking numerous questions, mostly of history, but some related to literature and scientific subjects. He cautioned them that there was no piece of information too insignificant for a lawyer to know and that a lawyer needs to continue learning all of his life.

Bill Fones practiced law in Memphis, served a time as a Circuit Judge there and was later a Justice of the Tennessee Supreme Court for many years and sometime Chief Justice of the Court.

The first professional relationship for the practice of law that I remember Mr. Lee to be engaged in was with the firm of Lee, Price, McDerment and Meek, with offices in the Burwell Building. **J. Harry Price** later gave up private practice and became General Counsel and Trust Officer of Fidelity-Bankers Trust Company. (This organization later merged with Tennessee Valley Bank to become Valley Fidelity Bank & Trust Company and is now a part of First Tennessee Bank.) **Malcom**

continued on page 5

continued from page 4

McDerment was the Dean of the University of Tennessee College of Law, then not a full-time position, and left the practice and his position at U.T. about 1932 to become Dean of the College of Law of Duke University. As I recall he remained in that position until about 1956.

Mr. Lee's next connection was with the firm of Lee, Cox, Meek and Heir. That is the group with which Mr. Lee practiced at the time of his death. Their office was in the East Tennessee Bank Building, later the Park Bank Building, now the site of the First American Tower.

Mr. Lee, like my own father, never drove an automobile; he depended on someone else to get him to the places he needed to go. When **James Meek** (always known as Pat) was associated with him, he would drive to the Lee home in the morning, come in for a cup of coffee, and then drive the two of them to work. At other times, Mrs. Lee or one of the children drove him.

My mother liked to drive an automobile; she drove my father everywhere; to town and back each morning and afternoon; and did most of the driving when they went out or took an automobile trip with the Lees.

Mr. Lee's association with **Senator Kenneth McKellar** as an adviser and confidante was well known and it was not a great surprise that he was recommended for appointment to the newly created Federal Judgeship for the Eastern District of Tennessee. It was understood that he would preside over the Chattanooga and Winchester Divisions. I do not recall whether Mr. Lee had made a decision as to whether he would move their residence to Chattanooga. It could have been done without too much upset of the lives of the children, as the three oldest had married and set up homes elsewhere and McAfee was attending the University of Tennessee.

I recall vividly the day, February 7, 1939, when Mr. Lee died. It was known that he was winding down the television case [involving alleged fraudulent stock sales] and would take the oath as U.S. Judge immediately thereafter. I do not recall whether I learned of his death when I was at the Law School or whether I came home later in the morning and learned of it. Anyway, I went immediately to the home to see McAfee. He was standing on the front porch of their home in a state of shock and disbelief. Shocking was the feeling all around. A very successful lawyer had achieved a position many lawyers desired; was about to embark on a new and exciting career; and it came to a sudden halt in the office of **Judge George C. Taylor**. I believe Mr. Lee was about 59 when he died.

Mrs. Lee remained in the home place until about 1943, sold the home to **Loye Miller**, the editor of The Knoxville News-Sentinel, and returned to her childhood town of Bedford, Virginia, and later re-married. I should add here that I never felt the name Lizzie to be appropriate; Mrs. Lee was a beautiful woman.

I do not recall that Mr. Lee engaged in any form of exercise. His principal hobby was engaging in politics for the Democratic Party, both local and state. He was a heavy cigarette smoker, and knowing as we do now about the effects of cigarette smoking on the cardiovascular system, one certainly can believe that it contributed to his untimely death.

Mr. Lee's eldest son, **William Baxter Lee, Jr.**, married **Martha Cullen** of Knoxville and remained in Knoxville. He was employed by a couple of federal agencies. **Helen** moved to New York, married **Robert Lewis**, and became quite well known nationally as the designer and producer of children's clothing. **Mary Elizabeth** married **Gene Hawkins**, a highly regarded Birmingham judge, and lived her entire adult life there. McAfee married **Elizabeth (Cissie) Rogers** of Morristown, remained in Knoxville and had a quite successful law practice with **Clyde W. Key**.

One final comment about Mr. Lee. It was no secret that the Lees and my parents, when they got together for cards or dinner at the home of the other couple, enjoyed partaking of bourbon and "branch water." When Mr. Lee was ready for a refill, he would say to my father, "Charlie, I need to wash my hands" and would go to the kitchen for the refill. I recall one of my younger brothers once asking my mother just why Mr. Lee had to wash his hands so frequently. I do not recall Mother's response.

Footnote to Seymour article:

Other Society members might take note of Mr. Seymour's contribution and compile historical summaries about lawyers, judges or events about whom or which they have personal knowledge. These summaries can be of great value to future generations. The summaries may be offered to the Society for possible publication in future newsletters, but whether published or not, they will be retained in the Society's archives for use by researchers and historians in the future. Mr. Seymour's project was very popular with the Lee family. Mrs. McAfee Lee asked Mr. Seymour for six copies of his summary so she could give it to family members. Mr. Seymour said one of the family members, Baxter Lee's granddaughter, who is an attorney in Birmingham, Alabama, wrote him a letter expressing deep gratitude for the work he had done in compiling the history.—EDITOR