

Orange County Forms a Government, 1735

From Historian William H.B.Thomas's Bicentennial Series, "Orange County Be It Remembered":

In 1734 Orange County was formed from the western part of Spotsylvania and was named in honor of William IV, Prince of Orange, and Anne, the Princess Royal of England, daughter of George II as a tribute to their marriage earlier in the year. The boundaries of Orange extended all the way west to the Mississippi River and as far north as the Great Lakes (reference the article "1734 Formation of Orange"). However, a government for Orange County was not formed until the next year.

"Early Tuesday morning, January 21, 1735, men gathered at a house on Black Walnut Run for the proceedings necessary to organize Orange County. The house belonged to Colonel Henry Willis, an enterprising figure with a keen eye for business. Already known as 'top man' of Fredericksburg, Colonel Willis took an early and active interest in the formation of Orange. In the House of Burgesses he had acted as manager of the bill to create the county, carrying it to the Council, the upper chamber, for their concurrence. Now he brought with him and would shortly produce his commission as clerk of the court of Orange--an office with profitable fees and other emoluments--an order that his house be used for sessions of court until a 'proper place' be provided--an arrangement resulting in improvement to his house and rent for its occupancy. And the Colonel himself would not have to spend what surely were the many and incredibly tedious hours necessary to write out by hand the county records, for on and from that first day he had at least one 'Under Clerk,' James Porteus, to do it for him.

"As men [gathered in the Willis house]...the first order of business was the reading of the commission of the peace, naming His Majesty's justices, issued by the governor, William Gooch, in Council. It was directed to Augustine Smith, Goodrich Lightfoot, John Taliaferro, Thomas Chew, Robert Slaughter, Abraham Field, Robert Green, James Barber [Barbour], John Finlason, Richard Maudlin, Samuel Ball, Francis Slaughter, Zachary Taylor, John Lightfoot, James Pollard, Robert Eastham, Benjamin Cave, Charles Curtis, Joist Hite, Morgan Morgan, Benjamin Borden, John Smith, and George Hobson. Not all were present that day, however; among those absent were the last five named--Hite, Morgan, Borden, John Smith, and Hobson. These men lived beyond the mountains in the northern Great Valley and did not take their seats on the court until February term.¹

"Following the reading of the commission, those on hand were administered the several oaths required for holding public office...Finally, there were the oaths particularly required of a justice of the peace...

¹ William H.B. Thomas, "Orange County Be It Remembered...", *Bicentennial Series*, Number 1 (January 1975), 3.

“After this ceremony the ‘gentlemen justices,’ as they were called then and by their successors long after as well, opened the first term of the County Court of Orange. One important matter considered that day--the ‘proper place’ for the courthouse--caused immediate disagreement among the justices. The question was put, whether Raccoon Ford on the Rapidan [Rapid Ann River] or the mouth of the Robinson River less than ten miles upstream was nearer the center of the county and hence, presumably, the most convenient site. One group contended that the mouth of the Robinson was nearer and that the most convenient place was there and on the north side of the Rapidan.

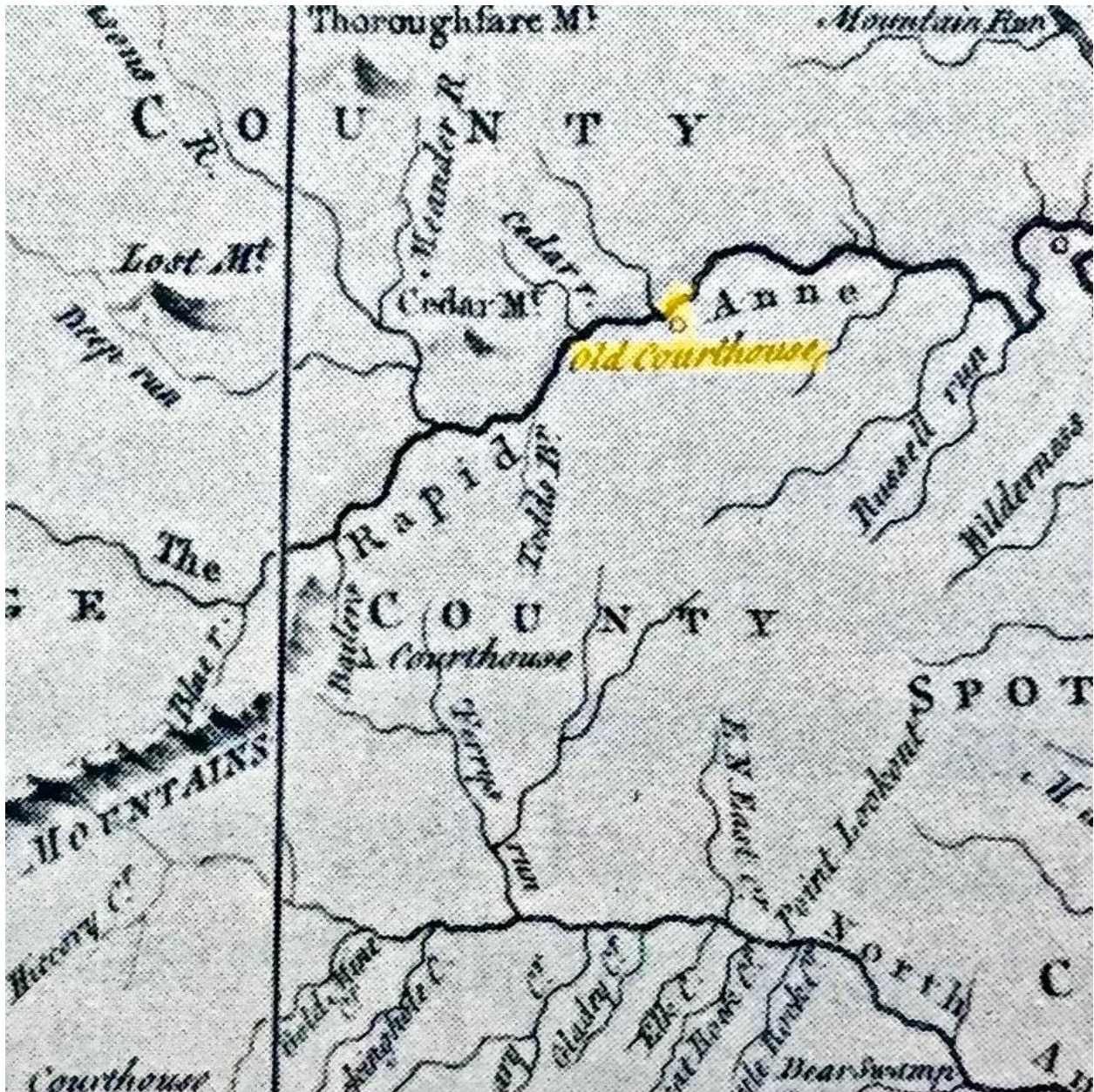
“Neither site was, of course, anywhere near the center of a county whose habitations already extended at least eighty-five miles to the westward and beyond the mountains. But this was probably not considered seriously, since the western settlements would almost certainly be included in new counties formed from Orange. Convenience, then, must have seemed the answer to the problem, but for whom--the people or the justices who lived both south and north of the Rapidan River. The only agreement reached that day was that the whole matter be referred to the governor.

“William Gooch [governor] and the Council promptly settled the dispute, particularly after learning that there were ‘diverse Controversies’ not only among the magistrates themselves but also between them and the people...The decision was that the courthouse should be located on land belonging to Colonel Alexander Spotswood, the late governor, on the south side of the Rapidan but not far above the Raccoon Ford--an apparent compromise. An Alternative site was also selected. But, in any event, the courthouse was to be built ‘with all convenient Speed.’ This was in April 1735.²

“Twenty months later and after several thousand pounds of tobacco had been paid in rent to Colonel Henry Willis, the Orange court adjourned its sessions from Black Walnut Run to John Bramham’s (near the site fixed by the governor and Council), where the courthouse was now, ‘with all expedition,’ to be built. Another two years later, by late 1738 or early 1739, the building was completed, its site today is slightly northeast of U.S. Highway 522...Because the first courthouse on the Rapidan was thus virtually on the Orange-Culpeper boundary, the Orange County Court again adjourned its sessions, this time and permanently to the present county seat and site of the town of Orange.”³

² *Ibid.*, 4.

³ *Ibid.*, 4-5.



A section of Fry and Jefferson Map, 1751, showing the site of the first old Orange County courthouse located near the “Rapid Anne River “(Rapidan).

The courthouse was located near the intersection of today’s US Highway 522 and County Road 611. The map was printed in “The First Settlers of Orange County by Ulysses P. Joyner, Jr., page 6.

--Original photo on file at the Virginia State Library

From Historian Ulysses P. Joyner, Jr. in “The First Settlers of Orange County”:

“On the 21st day of January, 1734 (old style), on the lands of Henry Willis on Black Walnut Run, a group of men gathered to form the new County of Orange. A commission was read from the Governor appointing justices for the County Court. Among these were several who had held office in Spotsylvania and many whose homes were located in the Valley of Virginia far from Black Walnut Run. According to custom, the most senior, whether in age, service, or respect, was listed first. In this case the first name in the commission was Augustine Smith, a surveyor by trade, who was a part of Alexander Spotswood’s journey to the crest of the Blue Ridge in 1716. Smith had patented lands at Embrey’s Hill just west of the present City of Fredericksburg in 1712 and had long been active in the life of Spotsylvania County, once representing that county in the House of Burgesses and being a member of the vestry of St. George’s Parish. By 1730, however, Smith had departed for St. Mark’s Parish which later became Orange County. In 1727, he sold part of his Spotsylvania holdings to Ambrose Madison, the grandfather of the President.

“Others named in the Governor’s commission were Goodrich Lightfoot, John Taliaferro, Thomas Chew, Robert Slaughter, Abraham Field, Robert Green, James Barber [Barbour], John Finlason, Richard Maudlin, Samuel Ball, Francis Slaughter, Zachary Taylor, John Lightfoot, James Pollard, Robert Eastham, Benjamin Cave, Charles Curtis, Joist Hite, Morgan Morgan, Benjamin Borden, John Smith, and George Hobson. Not all were present on January 21, 1734, however, for the record indicates that only Augustine Smith, John Taliaferro, Thomas Chew, Robert Slaughter, Abraham Field, Robert Green, James Barber, John Finalson, Samuel Ball, Francis Slaughter, John Lightfoot, James Pollard, and Benjamin Cave took their oaths that day.⁴

“Some of the named justices took their oaths later including: Goodrich Lightfoot, Charles Curtis, Joist Hite, Morgan Morgan, Benjamin Borden, John Smith and George Hobson. Many, if not all, of the latter were residents of the valley. There is no record that Zachary Taylor, the grandfather of the President, ever took his oath but he did serve as a justice. The failure to qualify was not an unusual occurrence and the court often directed the Sheriff to summon those who had failed to do so to explain their dereliction. If they did not appear, the court requested the Governor to leave them off the next commission.⁵

“Having qualified on January 21, 1734, the justices moved on to the conduct of business to organize the new county. A commission from the governor naming Henry Willis as Clerk of Orange County was read and Willis was sworn. He served until his death in 1740. At the September 1740, term of court, Jonathan Gibson, gent., was sworn to replace Willis.

⁴ Ulysses P. Joyner, Jr., *The First Settlers of Orange County, Virginia*, (Baltimore, MD: Gateway Press, Inc., 2003), 118.

⁵ *Ibid.*, 118-119.

“Benjamin Cave, one of the gentlemen justices, produced his commission to serve as sheriff of the new county and was properly sworn into office. William Henderson was sworn as his under-sheriff.

“James Wood produced his commission from the president and masters of the College of William and Mary to serve as surveyor of the County of Orange and was duly sworn. Zachary Lewis and Robert Turner were sworn to serve as attorneys before the court. John Mercer was sworn as King’s Attorney to prosecute cases on behalf of the Crown.⁶

“Also at the first meeting of the county court, Henry Willis produced an order from the Governor that the court was to meet on the third Tuesday of each month on the lands of Willis on Black Walnut Run until the justices could decide upon an appropriate place, and the justices ordered accordingly. The site of this house is not clear since Henry Willis never lived in Orange. Apparently it was located near the present Burr Hill on the tract of land originally patented to Larkin Chew, a Spotswood surrogate, in 1713, and later conveyed to Spotswood. The majority of this land was re-patented to Henry Willis in 1738.⁷

“Road surveyors (James Cowher, John Snow, etc.,) were appointed and constables were selected.

“Sheriff Benjamin Cave was directed to establish ‘at his plantation’ a prison consisting of a **‘log house, seven and one-half foot pitch, sixteen long, and ten wide of logs six and eight at least, close laid, at top and bottom with a sufficient plank door, strong hinges, and a good look.’** The court allowed the sheriff two hundred pounds of tobacco in pay for such construction.

“Having completed its organization, the court moved on to other business, including ordering the recordation of a deed, ordering the clerk to secure copies of law books from Williamsburg for each justice, appointing three of their number to ‘view the Rapidan above and below Germanna for a convenient place to keep a ferry and wait on Colonel Spotswood to know on what terms he would let such a place and return their proceedings to the next court,’ appointing William Brockings to keep the ferry at Germanna, and ordering the clerk to provide convenient books to keep the records of the county.

“As the last item of business at its first meeting, the court had its first disagreement. The meeting concluded with a discussion of a permanent location for the courthouse, and the justices divided between a point just south of the mouth of the Robinson River and the south side of the river at Raccoon Ford, **‘eight members for the former and six for the latter.’** Being unable to agree, the court adjourned.

“The new County of Orange was thus organized and its governing body was functioning.”⁸

⁶ *Ibid.*, 119.

⁷ *Ibid.*, 119-120.

⁸ *Ibid.*, 120.