

Orange's Court Houses Over Time

From Historian Ann Miller in *Antebellum Orange*:

Early Courthouses

“The county court moved to the site of the present town of Orange following the creation of Culpeper County in 1759, meeting in the house of Timothy Crosthwait until a courthouse could be built. This early frame courthouse stood on the ‘public lot’ which held the clerk’s office, prison, whipping post and stocks. The original courthouse was replaced ca. 1802-04 by a brick building which stood near the site of the present Southern Railroad depot. The clerk’s office was located just behind the present Jefferson National Bank building [now vacant but it was on the corner of present-day Main Street and Madison Road], while the prison was slightly east of the railroad tracks.

“With the coming of the Orange & Alexandria Railroad in 1852, the county, in its eagerness to bring a railroad to Orange, granted a right-of-way through the public lot next to the courthouse. The old public lot was exchanged for the lot where the recently burned Orange Hotel had stood, and the present courthouse was completed in 1859. The 1804 courthouse was converted into stores and apartments. Ironically, the fire of November 8 1908, which destroyed part of the town of Orange, began in the former courthouse.”¹

¹ Ann Miller, *Antebellum Orange, The Pre-Civil War Homes, Public Buildings and Historic Sites of Orange County, Virginia* (Orange, Virginia: Moss Publications, 1988), 12.

Summary

Throughout its history, the court of Orange County has convened in seven different buildings including four courthouses:

January 21, 1735: citizens of Orange met to form a government in the house of Colonel Henry Willis who was appointed the first Clerk of the Orange Court;

Between 1735-1739: Brief tenure of the court was in such places as William Robertson's house and Branham's Tavern until the location for a court house could be decided and a formal court house built.

About 1739-40: Court House was built on the south side of the Rapid Ann [Rapidan] River between Raccoon's Ford and Somerville Ford.

November 24, 1749: After the formation of Culpeper County, the house/tavern of Timothy Crosthwait in the little crossroads of Orange was the site of the Court.

1752: A new court house was built on the two acre tract of Timothy Crosthwait's lot that he sold to the county. The "bounds" of the lot were roughly the area connected by present-day Chapman Street, Main Street, Short Street, and Church Street.

1803: a new court house was built on the old Crosthwaith's tavern lot, then owned by the county, on a site which is now across the tracks from today's railroad station/visitors' center.

July 1859: the present day courthouse was built on the corner of Main Street and Madison Road.

From the work of historians William H.B. Thomas's *Orange Virginia, Story of a Courthouse Town* and Frank Walker's *Remembering: A History of Orange, Virginia*:

Orange has historically been called a courthouse town. Today it is the county seat of local government, but in the developing years, the Town was called Orange Court House. People spoke of going to Orange Court House or simply, the Court House. "Particularly in the spring and fall, when important terms of court were held, people gathered. Great and small; large landowners and everyday farmers; merchants and tradesmen; hands, helpers, and loafers, white and black, they came to March Court. There they attended to court and personal business, met friends and talked crops and horses and family news, and watched all that went on and shared in the festivities."²

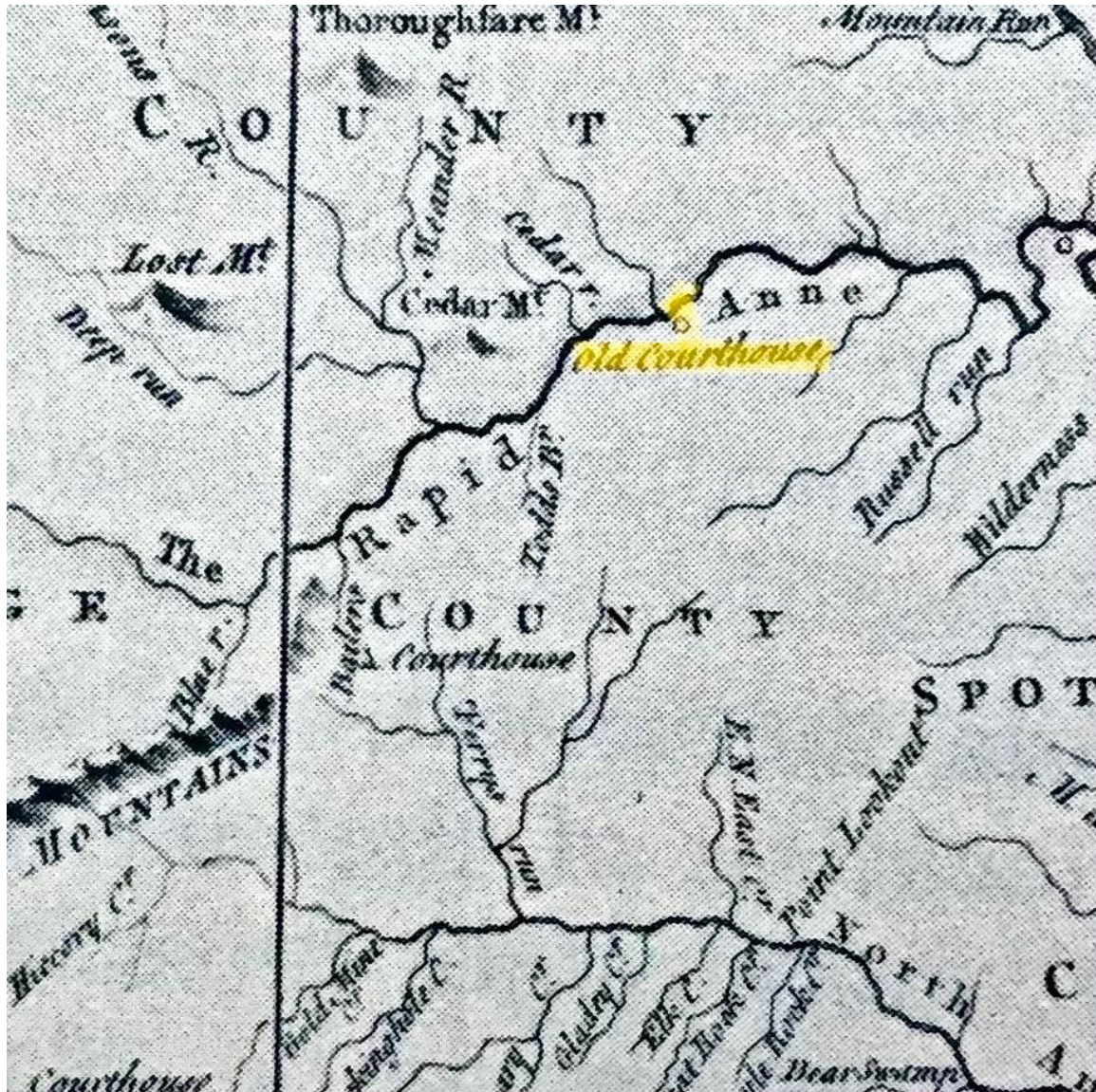
Lying in the Middle Piedmont, or what Jefferson called the midlands, Orange County was a rising land between the Blue Ridge Mountains and the Tidewater. It was the land explored in 1716 by Governor Alexander Spotswood and the Knights of the Golden Horseshoe on behalf of the English Crown as the Knights discovered the gap through the mountains into the Great Valley and beyond. Soon after Spotswood built his "enchanted castle", Tidewater planters began to patent extensive grants of land in the emerging Virginia frontier. Spotsylvania County was organized in 1721 and Orange was carved out of it in 1734. By January 21, **1735** citizens of Orange met to form a government. Colonel Henry Willis was appointed Clerk of the Orange Court.

In the session at the Willis house, there was a dispute about where the court house should be built--at the mouth of Robinson River or on the Rapid Ann [Rapidan] River. Finally after four or five years and brief tenses in the William Robertson house and Braham's Tavern, "The Governor and Council of Virginia settled the matter by ordering that the courthouse [to] be located on the **south side of the Rapidan River between Somerville's Ford and Raccoon Ford**...The site is slightly east of [today's] U.S. Highway 522, about a half mile before it crosses the Rapidan into Culpeper. It is shown on eighteenth-century maps, including the well known one prepared by Colonel Joshua Fry and Peter Jefferson, father of the President. As late as 1781 Continental troops were camped at 'Orange Old Court House.' "³

This old court house was located near the intersection of today's US Highway 522 and County Road 611 as shown on the Fry-Jefferson map below printed in *The First Settlers of Orange County* by Ulysses P. Joyner, Jr. The original Fry-Jefferson map is on file at the Virginia State Library.

² William H.B. Thomas, *Orange, Virginia, Story of a Courthouse Town* (Verona, Virginia: McClure Press, 1972), 3.

³ Thomas, 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).⁴

“With the decision of the English Privy Council in 1745 fixing the Rapidan River as the southern boundary of the Fairfax or Northern Neck Proprietary, changes in county lines and organization followed. In 1749 that portion of Orange north of the Rapidan and east of the Blue Ridge (the present counties of Culpeper, Madison, and Rappahannock) was formed into a new county, Culpeper. It bore the name of the family from which Thomas, sixth Lord Fairfax, derived his title to the Northern Neck.⁵

⁴ Ulysses P. Joyner, Jr., *The First Settlers of Orange County, Virginia*, (Baltimore, MD: Gateway Press, Inc., 2003), 6.

⁵ *Ibid.*, 5.

“As a consequence of this, the County Court of Orange in June 1749 found that the situation of the first courthouse [at Raccoon Ford] was inconvenient to the inhabitants. It decided that court ought to be held near what was described as the dividing line of the lands of Erasmus Taylor and Timothy Crosthwait. Benjamin Cave, George Taylor, Taverner Beale, William Taliaferro, John Willis, Francis Moore, and Henry Downs were those who were to agree on a place they judged most convenient for a new courthouse and to arrange for its construction.⁶

“On November 23, 1749, a proclamation from the President of His Majesty’s Council and Commander in Chief of the Colony and Dominion of Virginia, Thomas Lee, the acting Governor, was read in court by the sheriff. It adjourned the County Court of Orange from the courthouse on the Rapidan to **the house of Timothy Crosthwait**. Accordingly the following day, Friday, **November 24, 1749**, the County Court met at Crosthwait’s, the first session at the site of the present county seat and town of Orange.”⁷ At that time Orange was “not much more than a wide spot in the road. Orange, however, was on one of the mountain roads connecting the deep water docks of the Rappahannock to the interior of north-central Virgin, and the settlement was probably well known throughout the region.”⁸

“The Court continued to meet at Crosthwait’s house until the late spring or early summer of 1752. Among the first orders after the Court had begun to hold its sessions there was one which permitted Crosthwait to keep an ordinary or tavern at his house. Such establishments were always convenient to county courthouses, but in this case the facilities were particularly handy.

“By May 1752 [a] new courthouse was accepted by the County Court. Adjacent were the Clerk’s Office, those devices for punishment both corporal and humiliating--the whipping post, stocks, and pillory--and the prison and prison bounds. The latter included the courthouse tract and Crosthwait’s house, kitchen and stable, garden and spring, and ‘Mr. Frasers store houses.’ ”⁹ The Court was built before the County had title to it. On August 3, 1753 Crosthwait finally conveyed two acres of land to the county for forty shillings. Already located on the land by then were a court house, a prison, a pillory, stocks, and a whipping post”.¹⁰

“The location of what we today call the **‘1752 court house’ is believed to have been in the vicinity of the [former] Orange police station on Chapman Street, with the ‘bounds’ of the lot being roughly outlined by** the connecting portions of Main Street, Short Street, Church, Street, and Chapman Street. The court bounds were very important to some county prisoners of colonial times, such as debtors, people charged with minor offenses who couldn’t make bond, and convicted persons serving time because they couldn’t pay a fine. Such prisoners were often permitted by the court to have the ‘freedom of the bounds’ during the day, thus allowing them

⁶ *Ibid.*, 5-6.

⁷ *Ibid.*, 6.

⁸ Frank S. Walker, Jr., *Remembering: History of Orange County, Virginia* (Orange, Virginia: Orange County Historical Society, 30.

⁹ Thomas, 7.

¹⁰ Walker, 30.

some respite from the dark stench of the gaol...There was also a potential benefit for the county, since it afforded prisoners the opportunity to beseech passers-by to hire or bail them off the county's hands."¹¹

"The new courthouse, center of activities in the early 1750's and for a half century thereafter, was of frame construction, with shuttered windows and one or possibly more brick chimneys. Within, the courtroom had a 'banister' before the justices' bench, the 'Lawyers Barr,' which required repairs on occasion, and the 'Sheriff's Box.' There were also a dozen 'strong' chairs and a table...¹²

"Timothy Crosthwait, whose name will always remain associated with the beginnings of the town of Orange, was caretaker of the courthouse; supplier of small beer, candles and other necessities for the Justices; gaoler; and ordinary keeper.

"Among the 'Gentlemen Justices' associated with the establishment of the County Court at the county seat and town of Orange [at that time] was Colonel James Madison, father of President James Madison. For many years he was the principal personage in Orange County, judge, vestryman and soldier, combining those roles which together marked leadership in colonial Virginia. In May 1752 when the new courthouse was accepted, Madison, then twenty-nine years old, took the oath as one of His Majesty's Justices of the Peace; a quarter century later, in May 1777, the the presiding Justice, he took the oath under the first commission from the Governor of the Commonwealth of Virginia.¹³



Colonel James Madison, Sr., "Gentleman Justice"¹⁴

¹¹ Walker, 31.

¹² *Ibid.*, 7-8.

¹³ *Ibid.*, 8.

¹⁴ *Ibid.* The photograph above was originally shared from the Maryland Historical Society; Frick Art Reference Library and the Virginia State Library.

“Not long after Colonel James Madison, Sr., retired from the County Court, the Court directed **in 1799** that **proposals would be received for the construction of a new courthouse** at or near where the existing one stood. This was, of course, **on the old public lot**. There were delays; further orders were not given until 1801 when a brick clerk’s office and courthouse were authorized for construction.¹⁵

“It was at this time--before the new courthouse was built--that an English visitor furnished an intriguing view of Orange. Advised by friends at Fredericksburg to go on in his travels in the new nation to Orange Court House...he and his companion set out. They traveled in a five-horse wagon, apparently then the principal means of travel other than walking, with costs including that of an ‘unconscionable quantity of whiskey’ for the driver.

“The Englishman jotted down his observations: ‘On our arrival at Orange, we found an old wooden building which is used both as a court-house and a place of divine worship, a tavern, and half a dozen mean dwelling-houses.’¹⁶ There were no accommodations for the Englishman to stay so he “trespassed” and stayed in the courthouse but while he was there the gospel was preached twice. At this time Orange was without a church.

“**The 1752 court house served the county until 1803**, when its replacement was built. The **1803** court house was also located on the old Crosthwait tavern lot [the public lot], this time on a spot which is now across the tracks from today’s railroad station/visitors’ center. Problems with that site developed in 1854 when the Orange Alexandria Railroad came to town. To entice the routing of the railroad through the county seat, the local leaders had offered a right-of-way through the public lot. The railroad proceeded to lay tracks almost at the door of the court house. That didn’t cause much of an upset, however, since getting the railroad was a huge prize and the old court house had gotten, well, old. It was time to move again, and the William Bell tavern/Orange Hotel site was available. That location is the one where the historic court house stands today...”¹⁷

“**By 1804 the new courthouse on the public lot was completed**. It faced toward and was set back from Main Street about one hundred feet. In terms of today, the brick building was situated immediately adjacent to the railroad tracks and opposite the south end of the present [train] station. A post and rail fence built with the proceeds of the sale of the old courthouse enclosed the public lot or square as others called. Within this area also were the Clerk’s Office and the jail.¹⁸

The Court House town continued to grow beyond the few buildings clustered around the public lot in the three decades prior to the Civil War. Houses and churches were built and “...it was represented to the General Assembly in **1834** that lots had been laid off, sold, and improved by

¹⁵ *Ibid.*, 15.

¹⁶ *Ibid.*

¹⁷ Walker, 31.

¹⁸ Thomas., 17.

purchasers and that they were desirous of having the Court House established and incorporated as a town.”¹⁹

In the **early 1850s**, transportation in the county improved in order to secure lucrative trade outlets between the county and other markets. The Blue Ridge Turnpike was established from New Market in the Valley across the mountains by way of Sperryville and Madison to Gordonsville. In 1852 the Fredericksburg and Valley Plank Road was begun and was to run from Orange Court House to Liberty Mills and a junction with the Blue Ridge Turnpike. However, it was the coming of the railroads during the 1850s that affected Orange Court House the most. The Orange and Alexandria line ran from Alexandria to Gordonsville which had a link to Richmond.²⁰

“Perhaps because the grade was most favorable there as the tracks came into Orange, the railroad sought and obtained permission of the County Court to run its line through the public lot on which the courthouse stood.

“Most surprisingly, moreover the railroad’s right of way included a portion of the courthouse itself, and the tracks were laid but a few feet from the building. The effect of this novel situation--particularly on a hot summer day within the courtroom windows were open--is not difficult to imagine: the locomotives spewing forth acrid smoke, the ringing of bells, and the clatter of cars on the tracks, and the hustle and bustle of passengers arriving and departing.

“A new courthouse on a different site than the old was an obvious necessity.”

“Early in 1852 the Court began consideration of the building of a new courthouse on another site and discussed with Richard Rawlings the exchange of the old courthouse and part of the public lot for his Orange Hotel lot on the corner of Main Street and the present Madison Road. In June 1852 the Court authorized the laying off of the land to be exchanged for the public lot and the receiving of proposals for erection of a new courthouse and for plans for the building.”²¹

There were delays in the planning process until finally in the late summer of 1856, the County Court finally decided to proceed...“the present Orange County Courthouse resulted--acknowledged to be a fine example of the Italian influence in architectural style coming into favor at that time.”²²

“The County Court of Orange County met for the first time in the present courthouse at July term, 1859. It is the fourth courthouse of the county and the seventh building in which court has been held since the opening session on January 21, 1735.

¹⁹ *Ibid.*, 23.

²⁰ *Ibid.* 30.

²¹ *Ibid.*, 32.

²² *Ibid.*, 33.

The town of Orange continued to expand and on December 20, 1855, the General Assembly of Virginia passed an act 'that the town of Orange in the county of Orange as the same shall hereafter be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name and style of The Town of Orange.

"But the act spelled out also that it would become effective when a majority of the voters qualified to vote for members of the General Assembly should give their written assent. It was not until **1872** that this took place, and **Orange in fact became an incorporated town.**"²³

1859 Orange County Courthouse



--Photo from Wikipedia²⁴

Built in the Italianate style with its arches and square tower, the design by Haskins & Alexander of Washington, D.C. was a departure from the traditional Classical style of the pre-Civil War antebellum period. About 1948 the arcaded openings were filled in, but in the 2003 renovations, the area was opened back up. In 1979 the courthouse was listed on the National Register of Historic Places.

²³ *Ibid.* 35.

²⁴ Photographer unknown. "Orange County Courthouse (Virginia)." *Wikipedia*, Google, Accessed June 26, 2021, [https://en.wikipedia.org/wiki/Orange_County_Courthouse_\(Virginia\)](https://en.wikipedia.org/wiki/Orange_County_Courthouse_(Virginia))