

## Orange County Court Houses Over Time

### Summary

Throughout its history, the court of Orange County has convened in seven different buildings--four courthouses and three residences:

**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:** The 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 Crosthwait'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 current courthouse was built on the corner of Main Street and Madison Road.

**From the work of historians Frank Walker's *Remembering: A History of Orange, Virginia*; Ulysses P. Joyner's *The First Settlers of Orange County*; and William H.B. Thomas's *Orange Virginia, Story of a Courthouse Town AND Courthouses of Orange County*:**

Orange has historically been called a courthouse town. Today it is the county seat of local government, but in its developing years, the Town itself 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.”<sup>1</sup>

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, and at that time Colonel Henry Willis was appointed the first Clerk of the Orange Court.<sup>2</sup>

“The first session of the county court took place on [that January day], at a **house belonging to Colonel Henry Willis on Black Walnut Run** in the eastern part of the county. Meager entries about this first building in which court was held show only that a bench was provided for the justices and that a room was prepared in which to keep prisoners during court sessions. Undoubtedly the building was small and of frame construction. Colonel Willis, clerk of the court, read the governor’s order that court be held at Willis’ house until the Justices determined ‘a proper place for that purpose and have his Honours approbation thereof.’ “<sup>3</sup> During this first session, Justices were appointed and sworn in. The issue that arose was a dispute over where the official court house should be built--at the mouth of Robinson River or on the Rapid Ann [Rapidan] River. At this time Orange County’s westward boundary was the Mississippi River; Culpeper and other western counties had not yet been formed. The matter of the courthouse location could not be decided by the Justices and had to be referred to the Governor and Privy Council.

“The Governor and Council settled the problem of location in April, 1735, by ordering that the courthouse should be on the south side of the Rapidan River at a location between the present Somerville’s Ford and Raccoon Ford. The site, which is shown on eighteenth century maps, was slightly east of present-day U.S. Highway 522, about half a mile before it crosses the Rapidan into Culpeper County [near Route 611]. The court, accordingly, asked for authority to change the place of its sessions to **John Bramham’s actual dwelling** [closer to the intended site].”<sup>4</sup>

“The first courthouse, which was finished **late in 1738 or early in 1739** was surrounded by various dependencies, including the clerk’s office, the prison, the pillory, the stocks, the shipping post, as well as a stable for the justices’ horses. Nearby there were at least two ordinaries or taverns. From the few references to it in the county records and from other sources, the courthouse, like others of its period, seems to have been of modest dimensions, perhaps about

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<sup>1</sup> William H.B. Thomas, *Orange, Virginia, Story of a Courthouse Town* (Verona, Virginia: McClure Press, 1972), 3.

<sup>2</sup> *Ibid.*, 33.

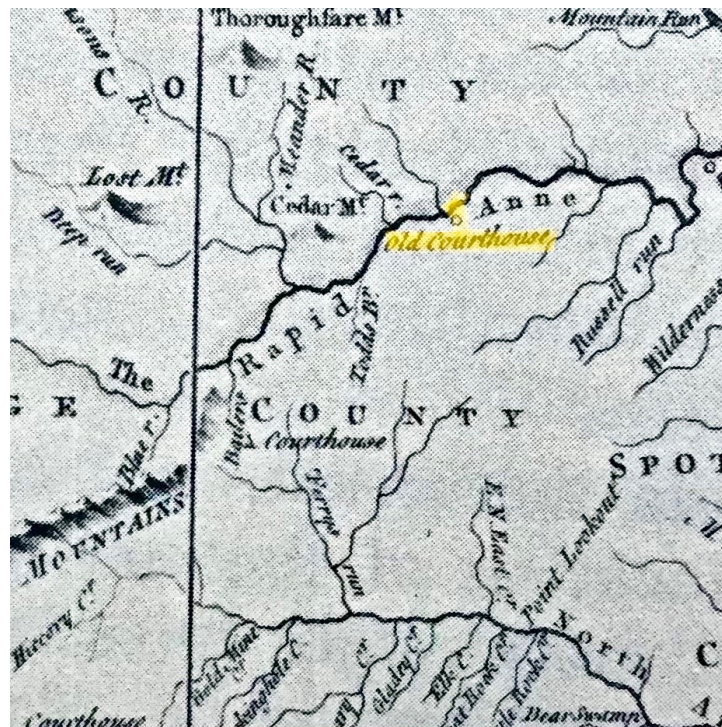
<sup>3</sup> William H.B. Thomas, “Courthouses of Orange County,” *Virginia Cavalcade*, (Volume unknown, Summer, 1969), 32.

<sup>4</sup> *Ibid.*, 33-34.

thirty by twenty feet. It was probably of frame construction and was perhaps weatherboarded; it is likely it stood on a stone or brick foundation, and had a gable roof, with an outside brick chimney of substantial proportions at one end. There were two doors and a few, possibly only three, sash windows. The courtroom was plainly furnished, with a bench for the justices and a table for the clerk.

“This building was the scene in 1741 of the contested election for seats in the House of Burgesses. At that time the clerk and the under-sheriff stood at the doors with drawn swords to preserve order. When they withdrew towards nightfall, ‘the People thronged into the Courthouse in a drunken riotous Manner, one of them jumping upon the Clerk’s Table, and dancing among the Papers . . .’ It was the scene also of the trial, in 1746, of Eve, a slave, who was accused of murdering her master by poisoning his milk. A court of Oyer and Terminer found her guilty and sentenced her to be drawn upon a hurdle, or sled, to the place of execution and there to be burned to death ....”<sup>5</sup>

This first courthouse is shown on eighteenth-century maps, including the well known one prepared by Colonel Joshua Fry and Peter Jefferson, father of the President. The original Fry-Jefferson map is on file at the Virginia State Library.



A section of Fry-Jefferson Map, 1751, from Joyner, showing the site of the first Orange County courthouse located near the “Rapid Anne River “(Rapidan).<sup>6</sup>

<sup>5</sup> *Ibid.*, 34.

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

“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....”<sup>7</sup>

When Culpeper County was created from Orange and the Rapidan River became Orange’s northern boundary, the Raccoon Ford court house was left at the edge of the county, not centrally located to the citizens of the county. The Justices wanted a more central location for meetings. “[The Court] decided that court [sessions] ought to be held near what was described as the dividing line of the lands of Eramus 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.”<sup>8</sup>

“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.**”<sup>9</sup> 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 Virginia, and the settlement was probably well known throughout the region.”<sup>10</sup> “What finally happened to the first courthouse is not known, but as late as June 8, 1781, it was referred to by a member of the staff of the Marquis de Lafayette, whose troops were then camped near Raccoon Ford, at ‘Orange Old Court House.’”<sup>11</sup>

“The two-acre tract [in the town of Orange] which Crosthwait conveyed in 1753 to His Majesty’s justices of the peace, ‘for the sole and only proper use of the said County of Orange for a Court House,’ remained the ‘public lot’ for over one hundred years. For the Orange resident or visitor of today, it can be described as a rectangular area extending along the south side of Main Street, then the main road, from the National Bank of Orange corner to a point about one hundred feet beyond the railroad tracks.”<sup>12</sup>

**“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

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<sup>7</sup> Thomas, *Story of a Courthouse Town*, 5.

<sup>8</sup> *Ibid.*, 5-6.

<sup>9</sup> *Ibid.*, 6.

<sup>10</sup> Frank S. Walker, Jr., *Remembering: History of Orange County, Virginia* (Orange, Virginia: Orange County Historical Society, 30.

<sup>11</sup> Thomas, *Courthouses of Orange County*, 34.

<sup>12</sup> *Ibid.*, 35.

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.’ ”<sup>13</sup> The Court apparently 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” .<sup>14</sup>

“The location of what we today call the **‘1752 court house’** [the second 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 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.”<sup>15</sup>

“The new [1752] 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...”<sup>16</sup>

“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

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<sup>13</sup> Thomas, *Story of a Courthouse Town*, 7.

<sup>14</sup> Walker, 30.

<sup>15</sup> *Ibid.*, 31.

<sup>16</sup> Thomas, *Story of a Courthouse Town*, 7-8.

1777, the the presiding Justice, he took the oath under the first commission from the Governor of the Commonwealth of Virginia.”<sup>17</sup>



**Colonel James Madison, Sr., “Gentleman Justice”<sup>18</sup>**

--Photo courtesy of William H.B. Thomas, *Story of A Courthouse Town*

Nearly years later, “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** [the third court house] 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.

“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.’<sup>19</sup> 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.<sup>20</sup>

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<sup>17</sup> *Ibid.*, 8.

<sup>18</sup> *Ibid.* The photograph above was originally shared from the Maryland Historical Society; Frick Art Reference Library and the Virginia State Library.

<sup>19</sup> *Ibid.*, 15.

<sup>20</sup> *Ibid.*, 16.

**“The 1752 [second] court house served the county until 1803,** when its replacement was built. The **1803 [third] 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...”<sup>21</sup>

**“The third courthouse, completed in 1804 on the old public lot,** faced Main Street and was set back from it about one hundred feet. In terms of the Orange of today, it was located immediately adjacent to the railroad tracks and opposite the south end of the present [train] station. The lot, or square as some called it, was then enclosed by a post-and-rail fence which had been erected with the proceeds of the sale of the former courthouse. Also within its confines were the clerk’s office and the jail. The 1804 clerk’s office was supplanted in 1840 by another, this one situated behind what is now the National Bank building. The old jail at the east end of the lot burned, and early in 1836 arrangements were made for a new one.”<sup>22</sup>

By the **early 1850s,** transportation in the county had 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.<sup>23</sup>

“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.

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<sup>21</sup> Walker, 31.

<sup>22</sup> Thomas, *Courthouses of Orange County*, 35-36.

<sup>23</sup> Thomas, *Story of a Courthouse Town*, 30.

“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.”<sup>24</sup>

There were delays in the planning process until finally in the late summer of 1856, the County Court finally decided to proceed.<sup>25</sup>

**“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.”**<sup>26</sup>

### 1859 Orange County Courthouse



--Photo from Wikipedia<sup>27</sup>

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.<sup>28</sup>

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<sup>24</sup> *Ibid.*, 32.

<sup>25</sup> *Ibid.*, 33.

<sup>26</sup> *Ibid.*, 35.

<sup>27</sup> 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))

<sup>28</sup> 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.



“The first session [in the fourth court house] was held at a time of growing tension between North and South. In August 1860 the Montpelier Guard, which became Company A, Thirteenth Virginia Infantry, C.S.A., was granted the privilege of using the courthouse basement as an armory. After hostilities began in 1861, the commandant of the military post at Orange Court House was permitted to confine Confederate deserters in the jail. In 1862, ‘the state being invaded by the enemy,’ the clerk of the court was authorized to remove the county records from his office to a place of safety—a prudent order in view of such incidents as the cavalry skirmish which took place on August 2 on Main Street in front of the courthouse.

“Since the Civil War, several changes have occurred with respect to the public buildings. The jail across the railroad tracks was dismantled, and the present jail was begun in 1891. The clerk’s office, which had continued on a portion of the old public lot, was replaced in 1894 by the present building—since enlarged. The old courthouse of 1804 was converted into stores and stood until it was destroyed in 1908 by a fire (started, ironically, when a match was thrown on the floor of one of its rooms), which swept on to devastate that part of Orange. The present courthouse was altered...by changes made to the portico. Somewhat earlier a clock had been installed in the tower, with the faces being placed in the circular panels on the sides.

“It is appropriate that the words, ‘Orange County Be it remembered,’ written on January 21, 1735, at the first ‘house to hold Court in,’ begin records which, continuing unbroken to this day, preserved the history of Orange County and that of its courthouses.”<sup>29</sup>

The town of Orange itself 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** [and the name *Orange Court House* no longer specified the town of Orange but the building].”<sup>30</sup>

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<sup>29</sup> Thomas, *Courthouses of Orange County*, 37.

<sup>30</sup> Thomas, *Story of a Courthouse Town*, 35.