
Courthouse Square in Early Harrisonburg and Activities Connected with Court Days

by
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Harrisonburg's Courthouses

The present courthouse in Harrisonburg is actually the fifth building on Court Square that has served as the seat of government for Rockingham County. Court records indicate that the first courthouse was built in 1780, although it was not the first courthouse in the County. The first building to function as a courthouse is thought to have been a log building on the Daniel Smith estate about two miles northeast of Harrisonburg. Daniel Smith was married to a daughter of Robert Harrison, and it is possible that the first courthouse had been built as a building for Harrison. The initial meeting at Smith's, near where "Smithland" still stands, took place April 27, 1778.

The First Courthouse on Court Square

By May 25, 1779, Rockingham justices decided to build a new courthouse at Thomas Harrison's two miles away. The justices had proposed three separate locations for a courthouse, but a majority voted for "the plantation of Thomas Harrison near the head of the spring." Harrison soon deeded two and a half acres of land near his home, including the big spring, to the new county. Commissioners were appointed to choose not less than two acres of land on which to build the courthouse and jail. Timber and stones from Harrison's land were to be used to construct the buildings.

November 1779 court minutes explain that

taking into consideration the dangerous and malignant fever that for some months past has raged in the family of Daniel Smith, Gent., and the apprehension of the people that there is danger of the disorder being contagious, to remove any obstruction to the administration of justice and to quiet the minds of the suitors and others who may have business at Court, are of the opinion that the Court should be adjourned

to the plantation of Thomas Harrison and it is hereby adjourned accordingly.

Justices met in Thomas Harrison's stone house on the next day and continued meeting there until the first permanent courthouse was completed.

The court had originally planned to build a two-story 26 by 36 foot stone courthouse, but they soon decided to change the building to a 20 by 30 foot courthouse built of "square logs with diamond corners." The upper story, perhaps considered a half-story, was used for jury rooms. This building, built by Robert Campbell, had a dirt floor "as far as the lawyer's bar." About that same time Cornelius Cain built the first county jail for Harrisonburg in the courtyard.

In June 1780, Benjamin Harrison and William Herring were appointed to meet with builder Robert Campbell to change the plan for the jury room. It was decided to leave out the jury room, as originally planned, and sink the joist of the upper room from the gable of the east end over to the front doors so as to make a jury room above, or two rooms if the space permits. Stairs leading to the upper room were built into an interior corner of the building.

The new courthouse was first used during the winter of 1780-81. Final payment on the building was ordered March 27, 1781. It seems that the justices and officials may never have been completely satisfied with the simplicity of the courthouse as it was originally finished. Many additional improvements were ordered over succeeding years.

The court approved paving the floor "on the back of the lower bench" with flagstones in 1783. This area extended from the lawyer's bar to the chimney. Andrew Shanklin was assigned to arrange for the work, which included installing two windows on either side of the judge's chair. Shanklin hired Charles McClain to do the work. The windows contained 12 lights each, 8 by 10

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inches, "to be finished in a workmanlike manner with suitable shutters, &c." Additional work was ordered in August 1783. The lawyer's bar was to be widened with four boxes to keep papers in. Two gates were added on either end of the bar with a box for the sheriff. Two seats were added at each end of the jury bench.

The work was finished by September. Colonel Benjamin Harrison and Andrew Shanklin were ordered to inspect the work, including the two windows and the paving work. It was found satisfactory and Charles McClain was paid £7, 19 shillings.

The Second Courthouse

Ten years later, in 1791, a second courthouse was built on Court Square. The first courthouse had apparently been damaged by fire because records indicate that it was "unfit for business." The justices decided to repair the damage and court was held temporarily in the home of Andrew Shanklin.

Market Street originally extended straight through the middle of Court Square in an east-west direction. The second court building was located near the middle of the square but on the north side of Market Street "near the Maypole." It was a two-story structure, 26 by 32 feet, built of stone by Brewer Reeves, a tavern keeper in Harrisonburg. Each story had 9 windows. The first floor windows had 18 lights each. Those on the second floor had 15 lights. The ground floor was 13 feet high, and the second story was 9 feet high. The stone building was roofed with wooden shingles "clear of sapp wood 6 inches to the weather" that were painted Spanish brown. The cornice around the eaves was painted white.

In October 1791, John Rush, Charles McClain, Henry Ewin, John Hopkins, and John Boyd, who had been appointed to examine the Courthouse and pass judgment on the job, presented their findings to court. The report included mention "that neither the painting at present nor the mason work in the East gavel [gable] end from the square up is sufficient." Brewer Reeves made the repairs deemed necessary by that December, but the justices from around the county were requested to assemble on Court Day in February to see what was needed in order to complete the Courthouse. At that meeting it was reported that Reeves had completed the

painting in a "workmanlike manner Agreeable to the Contract of undertaking." In March 1792, Reeves was paid £116, 2s as part of his "allowance" for building the Courthouse.

In September 1792, court minutes indicate that additional work on the Courthouse was needed to complete the project. Andrew Shanklin was given permission and £45 to buy materials and finish the job. In June of 1793, however, court officials were still not completely satisfied that the Courthouse had been finished properly.

The original log courthouse on the square was still used for several years, but in 1799 the court ordered that the old structure be sold at auction and removed from courthouse square.

The Third Courthouse

The third courthouse was built 1833–1834 for about \$4,000. More detail about this brick building is given later. The building, with four square columns supporting a projecting roof, lasted much longer than the previous ones. It was not replaced until 1874.

William McGilvray's Recollections

William B. McGilvray was a son of Alexander McGilvray, one of the foremost gunsmiths in Harrisonburg. The elder McGilvray's gunsmith shop was located on the north side of West Market Street between Court Square and current Liberty Street. Son William became a Methodist minister and lived in Culpeper and Richmond for many years. During the 1870s, he was supervising principal over nearly 600 students in 13 Richmond schools. In 1880 Reverend William McGilvray wrote a two-part article about early Harrisonburg for the *Old Commonwealth*, the competing local newspaper to the more famous *Rockingham Register*. McGilvray had grown up in Harrisonburg in the 1830s and reminisced in the articles about the town as he recalled it from his childhood.

Since 2000 interest has grown in recreating various aspects of the old Court Days that centered activity on and around the courthouse lawn once a month. Perhaps it would be both appealing and informative to examine what McGilvray, and others of that era remembered about the famous square and about early court days. To retain the

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flavor of his writing, a majority of his text is given verbatim. Explanatory comments have been added to help in understanding more about the stories and events related. This personal history of the courthouse square and Court Days therefore begins with McGilvray's writings. It then broadens to include material from other relevant sources.

On the site of the present Court house [the existing one in 1880] there stood, prior to 1835, a dingy stone building, adorned with a bull's eye window in the gable next to Main Street. How long it had been built I do not know, but it had evidently stood many years, and had no doubt served its generation well.

In 1832 the second courthouse was so run-down that it was seen as unsafe. The court decided to replace it with a 40 by 50 foot "plain, neat, brick building." Isaac S. Pennybacker was assigned the job of superintending the construction.

By January 1833, Jacob Rush, David Henton, John Kenney, and Peachy Harrison, commissioners, advertised the old courthouse for sale. It was scheduled to be sold to the highest bidder on regular Court Day, the third Monday in January. The buyer had to remove the structure by March 15th to have the square cleared for the contractors who would begin construction of a new courthouse.

Philip Armentrout did the foundation work. Jacob and William Newman laid the brick, and Adam Lushbaugh, of Staunton, did the woodwork. James Payne plastered the interior and N. Sprinkle & Brothers did the painting. Strother Effinger and Daniel Piper installed the tin roof, while William Reherd performed the iron work throughout.

This [stone courthouse] was pulled down, and a neat brick building, with its tin-covered cupola, its massive ball and golden fish, was erected on the same site. You recollect how we boys used to guess at the number of bushels the ball would contain, and how we estimated the length of the enormous fish. By the way, a venerable cock surmounted the spire of the old stone edifice, . . . [and] fell into the hands of old Mr. Hicks, I think. What a curiosity it was for a time.

Harrisonburg gun maker John Crummey, with assistance from George S. Logan, made the ball and fish weathervane for the brick courthouse.

The great storm of 1840 or 1841, which darkened the whole land and left desolation in its narrow track, bent the rod on which the ball and fish were fastened, and Thomas Bassford undertook the perilous task of restoring the rod to its original erect position, which he did successfully and without accident. This fact was scarcely less daring than that of Fisher, one of the workmen engaged in building the Court house, who poised himself on one foot, on top of the pedestal, into which the long rod of the spire was to be inserted. He was a brother of your former townsman, Daniel Fisher, I think.

The ball and fish, obviously, was a weathervane to indicate the direction of prevailing winds. Someone once told John Wayland a little folkloric tale connected with the bent weathervane. It seems that a stranger in Harrisonburg once asked a local black man what had happened to cause the weathervane to be bent. The man replied, "Well, you see, Boss, one night the Devil come along with the toothache; he tried to pick his tooth with the fish and bent it over."

Recollections of Thomas Fayette Jeffries

Thomas Fayette Jeffries, an occasional contributing writer to the Harrisonburg newspapers for many years under the pennames "Roaming Invalid" or "Crippled Fayette," wrote in his 1857 book titled *Crippled Fayette* of his first visit to Harrisonburg about 1840. Jeffries lived along Cub Run near the Massanutten Peak, in truth, not that far from the county seat, but he had never once traveled to Harrisonburg until he was 11 years old. On the momentous day of his first trip, Jeffries struck out on foot for "Rocktown." He followed the old Rockingham Turnpike (Route 33) toward town and could not see the looming metropolis until he topped Red Hill. This is the early name for the hill that descends downward past Woodbine Cemetery toward Court Square. As Jeffries wandered down the hill on East Market Street, the courthouse abruptly came into view.

Just below me burst upon my bewildered vision the ancient and honorable *Town* of Harrisonburg, or Rocktown, as some of the old settlers used to call it. Now I hurried on, almost dazzled by the reflected rays from the cupola

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of the Court-house! and seriously wondering what *could* ever induce the people to put up a great *gold fish* on the top of a long *stick!* that ran high above the big tin pan or kettle which stood there *up side down!*

A photograph of the bent weathervane, and the brick courthouse that has been described, can be seen on page 10 of the *Harrisonburg* book by Cheryl Lyon and Scott Suter.

Back to Reverend McGilvray's account:

If memory serves me faithfully there were some records and coins deposited in the cornerstone of the building. Was it examined? What became of them? I should like to see such a relic. I could almost grow poetic over such an inspiration. What changes were wrought in the surroundings while it slumbered through the life of a generation!

In the southeast corner of the courtyard the small jail stood. Its foundation was still visible in my early boyhood, and was only partially filled up with stone. Near this spot, the old Jackson pole was raised, and a portion of it stood for several years, not very far from the crossing of the two main walks, in front of the Court house.

Erecting tall poles cut from a towering tree was an early form of celebrating or supporting a presidential candidate during national election campaigns. This Jackson pole would have been for the 1832 election when Andrew Jackson ran against Henry Clay.

McGilvray mentioned the jail. The *Rockingham Register* for October 5, 1876, had an article about the town of 50 years before. One of the buildings mentioned in the writing was the old jail. It was described as follows:

The first jail in the county was built in the court-yard, by George Sites, and proved to be not very secure. One prisoner concluded to get some fresh air, so he dug a hole through the wall and went home to his family. After remaining there some days he returned to the jail, making his way to the cell through the same opening by which he had escaped.

The old jail has undergone but little change except in the removal of the iron bars. Fifty years ago men peeped out of stone win-

dows just because they were too poor to pay their debts.

There was actually a log jail erected at Daniel Smith's "Smithland" north of town that served the county before Harrisonburg became the county seat. The jail was located near the current Valley View mobile home park along the Great Wagon Road (Valley Pike).

The Harrisonburg-Rockingham Historical Society's *Rockingham Recorder* for October 1959 reproduced some records for work that likely resulted from the insecure jail in the court yard described above. County court had ordered Joseph Cravens and George W. Piper to examine the jail for "deficiencies which led to the breach." The commissioner consulted some others for an inexpensive way to improve jail security. The consensus plan was as follows: The workmen drove small nails into the walls of the jail in such density that it would prevent boring into the walls. They repaired the earlier "breach" with stones and lime mortar embedding two iron bars perpendicularly across the opening. Other iron bars were used as well. The window shutters were filled with nails, as the wall had been, to prevent cutting or sawing into them. An iron bar and iron staples were fastened to the building to allow the window shutters to be padlocked closed. The price of the increased security measures totaled less than \$20.

McGilvray continued:

The court yard was then scarcely entitled to the name, and was only partially enclosed by a sort of railing, which consisted of low posts connected by two or three square rails with the sharp corner on top, and the whole was painted red. The larger part of the entire surface now enclosed and covered with beautiful sod was then exceedingly rocky, only here and there a small patch of turf. In fact, old citizens often stated that, in the vicinity of the "big spring" especially, there were many projecting rocks behind which a man could hide, and that there were many black haw and cedar bushes growing among these.

The preparation of the surface, and the planting of the trees, which make the present Court house square so attractive, were done under the careful supervision of Capt. Hardesty, I think. In several places the rock had to

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be blasted out before the trees could be planted.

The same *Rockingham Recorder* mentioned above (October 1959) contained a small item about enclosing the public square and planting trees. The information came from an old expense account paid by the county. Workmen who helped with the project included Dennis Berry, James Gray, David Kelly, Daniel Leedy, Thomas Logan, Jacob Long, Peachy Rader, Nelson Rodgers, Reuben Rodgers, and A. Shultz. Some of the work consisted of filling in and leveling the courthouse grounds and planting grass seed and trees. Several different sizes of cast iron caps for topping gate posts and cast iron arches for the gates were bought from George M. Pennybacker & Company. Henry Bolton provided 135 panels of fence rails and posts for \$220. The "Capt. Hardesty" mentioned was Isaac Hardesty, Harrisonburg's first mayor (1849). He was apparently responsible for having the work done and furnished some tools for the job. Total cost for the project was about \$515.

George Compton Writes about the Clerk's Office

Harrisonburg lawyer George Compton wrote a multi-part history of old Harrisonburg and Rockingham County for the *Rockingham Register* in 1885. Although Compton's work concentrated on colonial and church history, he did touch upon some of the same topics that McGilvray had included.

Forty-five years ago [1840] there was a row of dilapidated Lombardy poplars along the walk in front of the Clerk's office and Court house, one of which was often used as a whipping post. Punch Tate, if living, will remember it. Many a poor fellow besides him had bitter memories of the old poplar. But "the poplars are felled," &c.

Compton told that the Clerk's office was a small, one story building located about 40 feet to the west of the courthouse. Its dimensions were approximately 15 by 30 feet, with its long dimension running east and west. It had a narrow, five-foot hall which ran through the center of the building dividing it in half. The room nearer the court-

house was the clerk's office and the other was the sheriff's office. Back to McGilvray's recollections:

The old stone Clerk's office stood with its western end on a line with the present fence. I am just here reminded that the present fence is probably the oldest good wood fence in the United States, having been erected in 1838, forty-two years ago, and good now! At the mention of that low, long, stone building, with its small windows, what a host of memoirs rise! I see Maj. L. W. Gambill now, just as his beaming face strikes an attitude of laughter, as he approaches the door and greets some passing wit whose pop shot has fallen upon the Major's risibles. The laughter of that man is a rich relic of memory. But I have another reason for remembering him—a schoolroom experience of the birch rod order. Still I love his memory, as who does not?

L. (Littleton) W. Gambill was clerk of County Court from 1852 to 1869 and clerk of Circuit Court from 1872 to 1875. During Gambill's time as clerk—in the fall of 1866, to be precise—the trees in the court yard had become old and unsightly and new plantings were ordered by court officials. Joseph Kavanaugh was placed in charge of the work. He dug out the roots of the old dead and dying trees and replaced them with new seedlings. The December 1866 article in the *Rockingham Register* that mentioned this work told that

some of the living trees, too, will be touched rudely, for they are of a mean kind, and offensive to the smell.

If you have ever been around ailanthus trees, the quoted statement will come as no surprise. As an aside, I am reminded that many Valley folk call ailanthus "shumake"—meaning "sumac"—trees. The only thing about the always-small sumac bushes one would confuse with ailanthus is the shape of their leaflets. Unlike the short sumac, ailanthus trees can grow to 60 feet or more. The comments continued:

In this category is the alanthus [sic], an exceedingly quick-growing, thrifty tree; but one of the most offensive trees that has ever been introduced into the town.

The courthouse square, then, was plagued by the foul-smelling, dirty ailanthus trees. Many may quarrel with the accuracy of its "tree of heaven" alternate name.

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These trees, native to Asia, were introduced into the United States late in the eighteenth century. They are the only trees I know of whose leaflets have scents glands—two on each leaflet—from which the unpleasant odor emanates.

Back to McGilvray's account of early Harrisonburg.

But, to the boys of the times of which I write, the brick market house, which stood between the old office and the Court house, was the most attractive building in the Square. It had tall arched openings to admit light and air, and these were protected from wandering cows and prowling dogs by long vertical slats. The building was low and it was separated from the Court house and Clerk's office by narrow alleys, which made it the very place, above all others, for the favorite sport of the boys at one season of the year, "Antony-over."

The eastern end of the market house was fitted up for an engine house which had its entrance facing Mr. Henneberger's residence. What sport we boys had when on stated occasions that old engine went lumbering down to the "big spring"! Every boy in town was there! Squirting the engine was an event to be looked forward to almost as eagerly as for the circus or general muster. No boy of the period ever missed either. Well, here she goes! Hurrah, boys! Fill her up. Now, men, work with a will! And woe to the stragglers cur or frolicsome boy—who, of course, was David Kelly or John Breedlove—that placed himself in the way of that sputtering stream. Didn't she squirt, boys? Away with your modern steamer! Nothing could touch the ancient engine when they took her to the "big spring." By the way, I don't believe the boys of the present day have half as much fun in a month as we used to put into a single engine day or general muster day. And old John Robinson, in his palmist days, never had anything to compare with the circus on the "meeting-house hill." That day was an era to boyhood for years.

McGilvray was not correct about the game of Antony Over, more commonly called Andy or Ante Over, dying out. It was still being played in the county well past the first quarter of the twentieth century. McGilvray will explain more about the game below. The John Robinson referred to was the name of the most famous circus to regularly

visit Harrisonburg. Martin's *Gazetteer* for 1835 mentioned that Harrisonburg had "a neat brick market house lately erected." It must have been built shortly before 1835.

Maria Graham Carr, who wrote the well-considered reminiscences of early Harrisonburg, remembered an earlier market house and the same jail that stood on the southeast corner of the court yard.

A stone jail with grated windows stood a few paces S. E. of the Court House. Mr. Fletcher, an old man, was the jailor then. Behind the Court House, about twenty feet from it, was a small one-story stone building called the Clerk's office. Between it and the C[ourt] H[ouse] was a roof of shingles, supported by wooden pillars; under this beef was sold; it was called the Market House. A Whipping Post was near the E[ast] end of it; the whole was enclosed by a strong wooden fence made of three horizontal rails set into posts securely planted in the ground, all painted Spanish brown. I do not think the color was ever noted for its beauty, but for its durability.

One may notice that Mrs. Carr described an earlier market house than the one mentioned by McGilvray. Again, back to McGilvray's account:

But, see how I have digressed! A boy again, I believe, following the old engine, or seeing that show! When I had started to tell about "Antony-over."

The boys having arranged themselves off opposite sides of the old market house, in two equal parties, each under the leadership of some champion, one of whom called out, "Antony," to which the other responded, "over," and the first replied, "Here she goes," or "Take her" at the same time throwing a ball over the building, which the others endeavored to catch. If fairly caught by any of the boys, then away they ran around the building, each party to the opposite side, the—one to avoid being hit with by the ball, the other to hit some one whom he could claim as a captive for his side. Such a frolic as this was well suited to the hardy boys of the times. The helter-skelter, pell mell, rushing back and forth through the narrow passes between the buildings was just the thing, and what a time they had around the old market house.

But the Fathers, in council, decided that the primitive simplicity of their ancestors had done violence to the propriety of the town by putting a market house in the public square, and, to the regret of every boy, they had it pulled down. No other such

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place ever found favor, and the old-time sport died out with that generation of boys.

There are incidents connected with each of these buildings; in fact, the whole yard is historic! Cakes, beer, cider, "Pendleton sugar," chestnuts! What tempting things those large square ginger cakes were! And such sugar! Mouth waters now in memory! How would you like to go back to the old court green once more, in boyhood pants, and a half dozen cents in your pocket? You never ate ginger cakes and homemade sugar on court day, if you wouldn't like to go back just once more, anyhow.

You see, I am among historic associations, tempted to expand, but must not trespass longer; hence shall leave the "big spring" as a convenient starting point for the next.

Pendleton sugar was the "homemade sugar" McGilvray mentioned. It was made from Pendleton County maple sugar. Venders had converted syrup drawn from tapping sugar maple trees into sugar. They boiled the syrup down to concentrate it into progressively more viscous sweetener. It finally turned into a finished product when continued boiling caused the thicker and thicker syrup to crystallize into lumps of sugar.

Courthouse Improvements

In September 1859 the courthouse underwent some improvements "determined by the County Court." The front and rear doors were removed leaving only one entrance to the building, the one facing the "law offices" in the court yard. The *Rockingham Register* commented that the changes "might add to the comfort of persons in the building, but they will by no means improve the outside appearance of the court house."

The Telegraph Office

The court yard was the site of numerous small buildings over the years. Some of these were commercial in nature and not part of county government. One of these buildings was the Western Union telegraph office on the southeast corner of the square. This small, brick building was originally intended to be the office of a county official, but it was soon converted for use as a telegraph office when Harrisonburg was connected to the outside

world by telegraph lines. George Ribble, Frank Robinson, and Allan Thompson were the telegraphers.

The Courtyard Becomes Commercialized

The *Rockingham Register* for August 30, 1866, reported that for August Court Day, W. S. Lurty and B. G. Patterson were granted permission to build a law office on the southeastern corner of the court yard, the "size and finish of those already erected." By May 16 of the following year, the *Register* editorialized about the impropriety of having ever permitted the small offices on the grounds.

We are sorry that we cannot regard the erection of another small law office on the southern corner of the public square as an improvement.—We regard the erection of offices and places of business on the public grounds as great nuisances; and we must express our regret that our worshipful County Court, who are the chosen guardians of the public rights and interests and wishes on this subject, should have sanctioned the use to which this place of public resort is being put. We have not examined the deed made to the county for the valuable land within the enclosure of the public square; but we are quite sure it was never contemplated by the original owner that it should be used for the erection of offices, shops, stores, or any other places of business for private parties and to subserve individual, personal interests. The County Court, in our judgment, did wrong in permitting any buildings, except the Court-House and Clerk's Office, to be erected on that ground, as the original deed for the property, generously donated to the county, expressly stipulates that it was given for the erection of public buildings.

The lawyers who erected the small law offices apparently saw no need to dismantle the buildings. On the contrary, more office buildings were built in the court yard. The *Register* noted in September 1868 that Messrs. Lurty and Patterson built a brick office in the court yard. Many years passed before the offices were removed. The demolition of two of the offices that had been occupied by Woodson and Compton and Capt. John Paul was begun in early May 1875. J. P. Effinger bought the buildings. The *Old Commonwealth* opined as follows about their removal:

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We hope soon to see our naturally pretty park rid of everything obnoxious, and transformed into a thing of beauty, beneath the shade of whose gigantic trees, &c., the tired Harrisonburger may enjoy his evening cheroot, and forget for the moment the trials of life and the burdens of taxation.

Yet not all the office buildings were removed from the courtyard at that time. In the late 1870s, attorneys John Paul, R. B. Ragan, and William Shands still had their law offices in the yard. The business offices for Shenandoah Land & Anthracite Coal Company and the Shenandoah Valley Land Association occupied the yard as well.

John Wayland had speculated about those small buildings around the perimeter of the court yard. The more familiar brick building shown in many later photographs on the southeast corner of the court yard was of course the telegraph office.

The old clerk's office that sat just west of the Courthouse had an upper room that was used for a time by Professor Charles Eshman as his cigar factory. Professor Eshman was the famous band director who provided concerts from the gazebo-like bandstand, another structure in the court yard.

The Big Spring

In August 1887, the celebrated Big Spring on the corner of the courthouse lawn went dry. The Harrisonburg newspaper, *The State Republican*, described the spring "as dry as the street." Workmen were quickly employed to clean out the spring and repair the walls around it. No citizens then living could remember when the spring water had been so low. It was thought that two pumps being used in an artesian well to supply water for the town water works caused the problem. A Mr. Thomas had laid the pipes and built a reservoir on Red Hill to provide much needed water to the growing town. As soon as the pumps began filling the reservoir, the water level in the Big Spring dropped. When the pumps were turned off, the water level in the spring rose again.

In June 1902, town councilmen decided to dress up the area around the courthouse yard. The ground around the Big Spring was especially in need of attention. Piles of dirt and rock had been

hauled to that side of court square for years. The plans called for improvements, both large and small, to make the court yard "one of the most imposing court house squares to be found in all this country." The improvements included new sidewalks and streets on the north, west, and south sides of the square. Some excavation of the street bed was also necessary to bring the level down to a more even height. Larger drainpipes were also laid under Main Street on the east side of the square. Superintendent William G. Fallis was in charge of installing drain curbs on the south side of the square while raising the road level to make for a smoother transit around the block. New macadamized pavement encircling the square was a project for the near future.

The grading of the south side of the square made the removal of the dome-type roof over the Big Spring necessary. Plans called for the spring to be covered over completely. An arched enclosure over the waters enclosed the spring except for a manhole cover in the street that allowed access to the water in case of emergencies.

A Town Clock

In 1868 the editor of the *Register* lamented the fact that there was no town clock in all of Harrisonburg. He called for one to be installed in the steeple of the courthouse, stating that one there would be both "useful and ornamental. . . . The money could be raised easily."

The much-needed clock was soon installed in the courthouse tower. Twenty years later, in January 1888, the courthouse clock was the villainous character in an event that could easily have turned tragic. Weights, which powered the clock and were described by *The State Republican* as "huge," loosened from their chains and fell under the inevitable pull of gravity toward mother earth. The massive weights crashed through every floor of the courthouse and ended up lodged in the earth under the ground floor. Fortunately, no one was injured. The newspaper commented tersely, "Such death traps should be abolished."

One may have noticed that several of the writers quoted thought of the courthouse yard as a park, a meeting place for leisurely congregating and passing the time. State laws had been passed

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requiring court yards to be convenient places for gathering.

After leaving office, county surveyor and former Superintendent of Schools Jasper Hawse spent considerable time and effort resurveying the original courthouse square and its metes and bounds.

Court Days

Orra Langhorne, Harrisonburg native and member of the prominent Gray family of the “Collicello” and “Hill Top” estates, described the commercial and social gathering of Court Day as follows:

Harrisonburg is an orderly little town except on Court Day, which is apt to be as turbulent as Donnybrook Fair, being the occasion of horse trading, the meeting of people from all parts of Rockingham and often other counties, political discussions, and whiskey drinking! On such days, ladies cannot appear alone on the streets, and there are frequent disturbances, requiring the appointment of extra police.

Donnybrook was a suburb of Dublin, Ireland. They held a Donnybrook Fair for years that gained the deserved reputation as remarkable for its drunken behavior and fights.

The *Old Commonwealth* described Court Day in November 1865, the year the War ended, as follows:

Monday last we again had the pleasure of witnessing a gathering of the Sovereigns of Rockingham, on county Court-day. This day is set apart by our country friends as a general business day, and many look forward to its coming with as much anxiety as some folks do to the coming of Christmas. Old friends from different portions of our county meet to grasp in friendly grip the broad, honest palm of their fellow yeoman, talk (not politics—that’s played) about crop prospects, the state of the country, the price of produce, etc., to swap horses and a few to take a friendly “smile” together. Auctioneers form an intimate acquaintance with Col. Yell on this day, and from different quarters of the Court-House Square may be heard the Stentorian tones of these “knights of the hammer,” each trying to out—yes, to out-talk the other.

Countless Johns are on hand sometimes—for instance Apple-John, John Barleycorn, Demijohn, &c.—to add to the importance of the occasion. Altogether, court-day presents scenes in life, which might afford splendid material for a graphic pen like Judge Longstreet’s.

Judge Augustus Baldwin Longstreet (1790–1870) was a well known jurist, educator, and humorist. He wrote a book, *Georgia Scenes*, filled with humorous stories of Southern characters. The references to copious amounts of alcohol being consumed on Court Day were apparently no exaggeration. Maria Graham Carr’s thoughts about Court Days are more widely known, but they bear retelling. In her *My Recollections of Rocktown: Now Known as Harrisonburg*, she recounts her memories of the once-a-month festivities indulged in on the special third Mondays. Her Court Day examples are from the period prior to 1850.

Court day once a month was looked upon as a great event, every one that could leave home was on hand. It was a day of great interest, farmers coming in with their produce, such as butter, eggs and other articles which they exchanged for groceries & dry-goods. The streets around the Court House were thronged with all sorts of men—others on horse back riding up and down trying to sell their horses. Men in home made clothes, old rusty hats that had seen several generations, coarse shoes and no stockings, some without coats or vests, with only shirts and pants.

I have seen a rich man come in from his country home, riding a fine horse. The man was dressed in home made linen shirt and pants, coarse shoes, no stockings, and an old slouch or straw hat. He had a large yellow silk bandanna handkerchief under his arm, with the two ends tied over his shoulders. He made money by buying deeds and other papers or loaning money on notes—this was called shaving paper, and many men got rich by this business.

This was also a day to settle all grudges—when a man got too much whiskey he was very quarrelsome and wanted to fight—others would follow suit & go in pell-mell. It was a dreadful sight to see them beat one another; I used to run off and hide. It was also a great day for ginger bread and molasses beer—the cake sellers had tables in front of the Court House, spread with white cloths, with cakes piled high

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upon them and kegs of beer near by. I have seen the jurymen let their hats down from the window above, get them filled with ginger bread, and a jug of beer sent up by a rope. About four or five o'clock the crowd began to start for home.

The settling of grudges was apparently a fairly common occurrence on Court Day. In March 1895 the newspaper reported about a similar scrap in some detail. Late in the day William P. McCall was arrested for assaulting Samuel McDorman. While McCall was being led to jail, some other men tried to interfere with his jailing. The fracas drew quite a crowd. The paper admitted that there was "an abundance of court-day liquor afloat and this was really at the bottom of the disturbance."

An item in the *Spirit of the Valley* newspaper soon after one of the special monthly occurrences reported these Court Day items:

They were all in Court Day. Men, women, youths, babies, horses, and mules lined Main Street from the depot to the Episcopal Church. On the Court Square the auctioneer's melodious voice resounded on every hand, drowning the musical cry of sheriff and constables to come up and settle. West [currently High] and East Market streets were thronged with vehicles of every description, all containing "something to sell"—the vendors crying out the price and quantity of their goods

A cavalry charge or a stampede could not equal the pandemonium that prevailed from the horse bazaar to German [Liberty] street.

Blooded stock, fiery steeds, broomsage stock, Mexicans and Oregons were packed together as thick as sheep in a car; yet the horse buyers hedged their way through regardless of kicks, jams, and an occasional cussing. The gentlemen who had imbibed too much occupied the side-walk, and were kept busy apologizing to elbow neighbor for coming in contact with him—both apologies at once.

The horse market was unusually good and the stock for sale was the finest we have ever seen here. The light stock amounted to very little, and but few were purchased. Late in the afternoon the wind and rain drove many in doors and many home, and by 6:30 o'clock the business hum was silenced.

As may be noticed, horse sales were a large component of the retail business conducted during Court Days. The town developed a reputation as an excellent market for buying fine examples of the equine species. One would surely be surprised to discover the distance some horse buyers traveled to make business connections in Harrisonburg. The *Spirit of the Valley* newspaper gave some indication of this fact in the following list of horse buyers for February 1886:

B. New, Baltimore, Md.	11	head
Thompson, Westminster, Md.	17	"
Harry Parr, Hanover, Pa.	17	"
McCoon & Bro., Pittsburgh, Pa.	10	"
Sondhimer, Washington, D.C.	14	"
Wm. Yates,	"	8
Harrison,	"	4
Lacy,	"	5
Hopkins,	"	4

These 90 animals were shipped to their new owners by rail from Harrisonburg depot.

Three days before Christmas in 1881, the *Old Commonwealth* reported about all the events going on during an early winter Court Day. One observation was a common one. When the horse sales were over, only the "old rips" and those horses that one might consider plugs were left.

The tantalizing "old gray," inspired by frequent spurring, cavorted around with tail up and ears erect, looking quite fierce for a beast with such lank sides, but he was without takers at any figure, as it was generally believed that all the prancing around he did was only a spasmodic effort. . . . He is as regular as time and tide and every Court day he prances in gaily about 4 p.m., and in the cool of the evening he goes somewhere, until next Court day when the performance is repeated. His owner should be careful of him this winter, or next summer the crows will get him. He is getting awfully thin.

Auctioneers were only moderately busy, and we did not see a single street fakir. . . . All sorts of wares were displayed for sale, and those who had Christmas goods to sell, and were smart enough to advertise them, sold immense lots of them. . . .

There was much more than usual moderation in the amount of drinking done, and in this

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regard December Court was much better than that of November.

Judging by the percentage of court day items in the newspaper that touch on the free flow of alcoholic beverages, the town officer must have fought a constant battle with those who had imbibed beyond moderation on Court Day. Do politics and booze make a ready mix? There were plenty of chances to see. In the days before any modern form of mass communication, save for the newspaper, political speeches from the courthouse steps were as normal as hawking wares on Court Days. An article in the *Old Commonwealth* in November 1881 mentioned that since election day had passed, the latest Court Day was the first in some time to have no politicians making stump speeches. This writing proves that politics and drinking were not inseparable.

[The] absence of that sort of excitement was a relief from the noise so long made by slang-whangers. People had a chance to give attention to their business without interruption, and a great deal more was transacted than usual. . . . Corn-juice suffered to the usual extent. In the afternoon a fellow ran his buggy against another fellow's horse, knocking the horse down and mixing its hind legs up in a curious manner with the wheel and shafts of the buggy. A little later on a fellow, pretty well loaded with benzene, had the misfortune to have his horse fall with him, and the rider falling head foremost over the horse's head, bit his tongue through. He went to a surgeon, after some persuasion, who put a stitch in his tongue, but the fellow was drunk enough to insist that the part of the tongue he had so nearly bitten off be cut off entirely. The surgeon tried to persuade him that his tongue would be all right in a week or two, but the chap said, "d—d if he didn't want it off," and at once bit off the stitch. To please him the surgeon chopped off the piece of tongue about $\frac{3}{4}$ or an inch long, when the fellow departed for home.

In March 1883, the *Old Commonwealth* included another colorful description of the most recent judicial-centered event.

County Court Day was the usual gala day for Spring candidates and horses—both were plentiful. It was somewhat amusing, to those

who had time to look on, to see the panorama spread out upon the streets surrounding the court yard, for it resembled a little world, made up of all sorts of people, each plying his business with energy.

The "going, going, gone," of the auctioneer; the rattle and clatter of the tin ware man—who would sell you a whole "barl" of his ware for a mere pittance; the lemonade, cake, and fruit vender's incessant yell: "here's the place to get your money back," etc.; the auctioneer of livestock, who was ready to warrant every old spavined, knock-kneed, one-eyed, washboard sided rip they bestrode as "perflicky sound throughin and throughout;"—knights of Bacchus, who were too full of "stagerrin' juice" for utterance; all these, and many more, made things lively during the greater part of the day, to the amusement of some, the profit of others, or the reverse of both to a good many.

We saw one poor wanderer who had benzene enough to relieve his memory of all the heart-burnings and sorrows of the harsh life that human has to endure, as he reluctantly walked between the police to the station-house. It seems that he wanted to run this community, but he met with a stuffed ballot-box, for Mayor [Pendleton] Bryan informed the gentleman that it came to \$3.50, and to go home and sin no more. But his thirst for gore was not to be appeased, and when let loose he began to exercise his muscle in such a promiscuous manner that he was again brought before his Honor, fined and turned loose, evidently satisfied that he had been interrupted with his matinee, and would continue it probably the next term.

About 4 p.m. it began raining, the store signs were taken in and the crowd dispersed, thus winding up another eventful day in the history of our "ancient village."

For Court Day two months later, the horse buyers and crowd were particularly heavy. The *Spirit of the Valley* commented that

The horse buyers swept down on Harrisonburg, filling our hotels, blocking up the sidewalks and commodious piazza of the Revere House, (to say nothing about the approaches to the Big Spring) . . . for the sale of horse flesh on Court days. . . . It was reported to us [that] 85 horse buyers had arrived, and already had business for the day commenced actively. Buyers from Pennsylvania outnumbered

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those from other states, and these were known from the others by each man of them carrying a peeled stick a little longer than a cane, for what purpose to be used we have yet to learn.

During the day other buyers arrived, and it is possible that the entire number aggregated about one hundred, and such was the impetus given the market that buying was spirited and horses ruled high from the start. . . . In one instance a mare that had the heaves and the money paid for before the buyer found out he had been "done for" then the "sold" purchaser of indifferent horse flesh had his purchase re-sold at auction, the mare bringing \$4.00 less than he paid for her!

Altogether, several hundred were sold on Monday, and on Tuesday many more were disposed to those who held over, and at this writing twelve or fifteen buyers are still quartered in the town who attempt the "capture" of all strange horses that enter the town.

During this Court Day an interesting ruse was pulled on a number of the horse buyers. On Saturday night, two days before Court Day, some of the buyers already in town were sent an invitation, seemingly written in a flowing female hand, to meet the writer at the Big Spring at 9:00 p.m. The note had in reality been written by some of the "town wags." At the appointed time, about 30 horse buyers were seen strolling toward the south side of the square. When they arrived at the spring each would ask the other about their reason for being there. All must have had cotton mouth because the answer was that they needed a drink of water. Finally, one man owned up to the fact that he had been invited to meet someone there. When one gentleman, who would not own up to having fallen for the ruse, was found to have the joke invitation in his pocket, the other men shouted so loudly that the commotion could be heard a quarter mile away at the depot. Nearby firemen hearing the noise started running around for a time thinking that someone was yelling about a fire.

Annual Muster

Another event that was centered on the Courthouse Square was annual muster. Here is how Mrs. Carr recalled it:

The Annual General Muster was the greatest thing and was looked forward to for months

with the greatest pleasure by all the negroes and children. Training of officers began several days before Muster Day—It was the most motley crowd that filled the square around the Court House. Men of all sorts and sizes dressed in tow linen pants and shirts, few had coats and vests, some with old wool hats and others with straw hats. I saw one man in this crowd when I was about 10 years old [ca. 1822]. He had on tow linen pants and shirt, coarse shoes & no stockings; around his waist was a bright red woolen sash; he had a rusty slouch hat on without band and torn on the edges. On the front of the hat was a long white feather with scarlet tip—he felt as proud as a General.

I saw several soldiers there at one time with bright yellow coats trimmed with black, and a green flannel one trimmed with white or silver. I suppose these uniforms were some of the remains of the War of 1812. . . . Some men on Muster Day carried old umbrellas, corn stalks and sticks of wood instead of guns or swords. I suppose the officers were tired trying to beat sense into these men and gave up in despair, marching them out to a field in the W[est] end of town to try to drill them. . . . The whisky, beer and ginger-bread sellers were in their glory, as this was their harvest, many persons taking home a jug full of something and a handkerchief filled with ginger bread. I dearly loved to hear the fife and drum & got as near to them as I could, listening to them until the tears ran down my cheeks.

Muster Day was a training aspect of the State Militia. The Military Act of 1785 required all able-bodied, free men between the ages of 16 and 50 to be enrolled in the militia. Judges, preachers, and a few others were exempt. The militia within a county was formed into companies, and the companies into battalions, if membership numbers were high enough. The battalions were commanded by colonels, and other subordinate officers, as in the regular military. Every county had a lieutenant who had command of the entire county but ranked as a colonel in the field. There were no generals unless actual war conditions existed.

A private muster was held once every two months, except in December and January. These were held in the individual precincts. Known Rockingham militia precincts following the Civil War included these companies: Bridgewater, Day-

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ton, Edom, Keezletown, Mt. Clinton, Ottobine, Rushville, Swank, East Harrisonburg, and West Harrisonburg.

A regimental muster was held once a year in March or April, usually at the county seat. A regiment was composed of seven companies within a militia district. As mentioned above, the county officers were a county lieutenant, colonel, lieutenant colonel, and major. The first known militia officers for Rockingham (1792) were:

County Lieutenant Abraham Smith
Colonel Daniel Smith
Lt. Colonel Benjamin Harrison
Major John Skidmore

The Annual General Muster recalled by Mrs. Carr was held in October or November.

The Fourth Courthouse

By 1873 the third courthouse had become so dilapidated it was viewed as being unsafe. Judge James Kenney ordered that court proceedings should be temporarily moved to the Federal Courthouse.

This Federal Court building was the former Northern Methodist Church building that had been built on the hillside on south side of West Market Street just beyond the railroad tracks when the Methodists split into Northern and Southern branches. Following the War they reunited in the church on German [Liberty] Street.

Early in 1874, Judge Charles T. O'Ferrell, who had replaced Judge Kenney, concluded that the courthouse was unsafe and needed replacement. Bids were quickly gathered, and the job was awarded to the construction firm of Holmes and Rust of Charles Town, West Virginia.

This fourth courthouse, also of brick, cost \$11,450.

The Fifth Courthouse

By March 1896, slightly less than 20 years after its construction, the fourth courthouse was in need of replacement. The Clerk's Office was moved temporarily to the town council building on the west side of Court Square and other offices were moved to nearby buildings. Court sessions were held in the new Federal Courthouse that had

been erected at the corner of North Main and Elizabeth streets.

The fifth and current courthouse building was built 1896–97 for \$96,826.24. It underwent a major renovation costing \$93,000 in 1931 and another update, including the addition of new windows and air-conditioning, in the 1990s.

When the old, brick courthouse was razed in 1896, three other buildings were removed from the court yard. These were the two-story clerks' office on the west side of the yard, the telegraph office on the southeast corner of the yard, and the Rescue hand pumper and council chamber building on the northwest corner of the yard. The city council met in the upstairs of the pumper building, a space also used for the mayor's office and for fire company meetings. Another small building was previously located on the northeast corner of the court yard.

Court Square Improvements after 1900

Austin Loewner, who was born in 1906, painted a series of pictures of early Harrisonburg. He also wrote down some of his memories about the city from the first quarter of the twentieth century. The first paved walks after the boardwalks were removed were paved with yellow bricks or concrete blocks. The streets were not properly paved until Harrisonburg became a city of the second class in 1916, the same time city schools separated from the Rockingham County School system. Before this, crushed stone was spread on the streets, but in rainy weather mud would seep up through the top layer of the gravel. The crushed stone was pulverized by hand. A pile of the stone would be dumped off a wagon at various places in the middle of a street. Workers would sit on the pile and use their napping hammers to break the stone into smaller pieces that would be scattered around the nearby section of street.

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