

# THE ROCKINGHAM RECORDER

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Vol. I

APRIL, 1945

No. 1

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The Official Publication of the  
Rockingham County Historical Society  
Harrisonburg, Virginia

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Harrisonburg

## THE ROCKINGHAM RECORDER

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The price of this issue of the RECORDER is \$1.00; to members of the Society, 65 cents. Send orders, with remittance, to Harry A. Brunk, Treasurer, Route 4, Harrisonburg, Virginia.

## BACKGROUND AND BEGINNINGS

This organization, the Rockingham County Historical Society, dates from a preliminary meeting held on Saturday, April 1, 1944. It may be regarded as a revival of at least two earlier movements. In 1898-99 a committee, made up of Major George Chrisman, James B. Stephenson, and F. A. Byerly drew up a constitution and by-laws for a Rockingham County historical society. Gen. John E. Roller was elected president. There were 16 vice-presidents, an executive committee, a library committee, a committee on Confederate soldiers, and a reception committee. The society was given the use of a room in the county court house. At this time it is impossible to give any further particulars concerning this organization.

In January, 1938, under the auspices of the county board of supervisors, namely W. Clyde Koontz chairman, Samuel H. Callender, Lewis J. Miller, Erasmus L. Depoy, and Robert S. Bowers, there was published an octavo volume of 156 pages, "Abstracts of Land Grant Surveys, 1761-1791," compiled by Peter Cline Kaylor, assisted by George Warren Chappellear. Mr. Kaylor and Professor Chappellear represented a Rockingham historical society which had been organized some time prior to January 1938. Mr. Kaylor was the president of this organization and Professor Chappellear was secretary. There were five vice-presidents: F. Wilmer Coffman, George E. May, W. O. Mowbray, Joseph K. Ruebush, and Adam M. Turner. To forward and preserve the work of this organization the board of supervisors provided a substantial steel cabinet which now has a place in the county clerk's office.

As stated above, the present society was launched on April 1, 1944. At 2:00 p. m. on that day a small group in response to call assembled in the public hall of the county-city court house in Harrisonburg and took steps which resulted in a permanent organization. Those present were the following: Harry A. Brunk, George W. Chappellear, F. Wilmer Coffman, Miss Flavia Converse, J. Silor Garrison, C. R. McGahey, W. O. Mowbray, John R. Mumaw, Joseph K. Ruebush, Noah D. Showalter, and John W. Wayland. After a pertinent discussion several committees were appointed, among them one to draft a constitution.

On Saturday afternoon, April 22, 1944, pursuant to a call previously published in the Harrisonburg Daily News-Record, another meeting was held in the assembly room of the court house; a constitution, reported by committee, Messrs. Brunk, Ruebush, Showalter, and Wayland, was adopted; and in accordance with it officers were elected and committees appointed.

## CONSTITUTION

### Article I—Name

This organization shall be known as the Rockingham County Historical Society.

### Article II—Headquarters

The headquarters of this society shall be Harrisonburg, Virginia.

### Article III—Purposes and Objectives

1. To enlist the interest and cooperation of all persons in Rockingham County, Va., or elsewhere who are willing to aid in any way in the work of this organization.

2. To collect and preserve diaries, letters, old account books, family records, tombstone inscriptions, pictures, old newspapers and other periodicals of historical, biographical, or genealogical interest; also relics of all kinds that have historical value.

3. To publish from time to time such materials as are sought after by libraries, schools and colleges, historical societies, and individuals doing research work in history, biography, or genealogy; and to erect monuments, markers, and other memorials.

4. To cooperate with the Rockingham Library Association in providing a commodious fireproof building suitable for the use and permanent housing of the Library and the archives of the Society.

### Article IV—Membership

1. All persons within the borders of Rockingham County or elsewhere who are in sympathy with the purposes and objectives of the Society may be enrolled as life members,

with all privileges of voting, holding office, and of purchasing the Society publications at special reduced prices, without the payment of any fees or assessments except a nominal sum at the time of enrolment to cover the cost of a printed certificate of membership which each shall receive upon enrolment and payment of enrolling fee. Any surplus above the actual cost of such certificate or work in connection therewith shall be turned into the general treasury of the Society.

2. After October 1, 1944, the membership shall consist only of those persons who hold certificates of membership signed by the proper officers of the Society.

3. All persons enrolled and holding certificates prior to October 1, 1944, shall be classed as charter members.

### Article V—Certificates of Membership

1. The Publication Committee shall have printed appropriate certificate forms to be filled out by the proper officers hereafter named.

2. The certificates of membership shall be signed by the President or the Acting Vice-President, the Recording Secretary, the Corresponding Secretary, and the Treasurer, and shall be countersigned and dated by the officer or member issuing the same.

3. A fee of \$1.00 shall be paid by each member when he or she is enrolled, and he or she shall at that time receive a certificate of membership.

4. Any member of the Society shall be qualified to enroll members, and each enrolment shall be reported promptly to the Recording Secretary, with name of the person enrolled, postoffice address, and date of enrolment; and the fee shall be turned in to the Treasurer.

5. Fees collected at a meeting of the Society shall be turned in to the treasury in full.

6. When any officer or member of the Society enrolls a new member and issues a certificate outside of a meeting, by mail or otherwise, he or she may be reimbursed for any legitimate expense incurred in connection therewith if the account is approved by the Executive Committee.

### Article VI—Officers

The officers of this organization shall be the following:

1. A President, who shall preside at meetings of the

Society and serve as its chief executive officer.

2. Three Vice-Presidents, First, Second, and Third, who shall be qualified to act in the President's stead in his absence or at his request if he is present.

3. A Recording Secretary, whose duty it shall be to keep minutes, in a well-bound volume, of all meetings of the Society, a roll of officers, committees, the Honorary Advisory Board, and certificated members, with the post office address of each member and date of enrolment of each, and record all resolutions passed and all actions otherwise taken by or for the Society; also to file all committee reports.

4. A Corresponding Secretary and Librarian, who shall give notice of all meetings and carry on the correspondence of the Society by mail or otherwise; take the leadership in collecting materials such as are sought after by the Society; be the custodian of all manuscripts, pictures, printed matter, relics, and other archives and materials possessed by or loaned to the Society.

5. A Treasurer, who shall take care of the funds of the Society, keep an accurate record in a well-bound volume of all receipts and expenditures; deposit all monies of the Society to the credit of the Society in a bank designated by the Executive Committee; and make payments from the same by check, countersigned by the Recording Secretary, only upon the presentation of itemized bills which are approved with their signatures by the President or the Acting Vice-President and a member of the Auditing Committee. And inasmuch as this is a non-profit organization, no funds of the Society shall be used or applied except for the purpose and objectives set forth in Article III or for paying for record books, certificates, stationery, postage, or other items necessary in the operations of the Society.

#### Article VII—Committees

This organization shall have six committees, as follows:

1. The Executive Committee, consisting of the several officers of the Society, as named above, who shall be qualified to arrange programs and to act otherwise as authorized by this constitution.

2. A Membership Committee, to consist of the First Vice-President as chairman and two to six other members whose

duty it shall be to use their best efforts in adding members to the Society.

3. An Acquisition Committee, made up of the Corresponding Secretary as chairman and two to six other members, whose duty it shall be to collect by gift or loan such materials as are desired by the Society; and at the same time every member of the Society is authorized and urged to be on the lookout to acquire materials and enroll members.

4. A Publication Committee, to consist of the Second Vice-President as chairman and two to four other members, who shall decide upon materials to be published, the form of publication, and (in conference with the Sales Committee) the prices at which publications are to be sold; and it shall also be the duty of this committee to make contracts for printing and binding, subject to approval by a vote of the Society in open meeting, to prepare copy, read proofs, and to see the work through the printery and bindery.

5. A Sales Committee of three members, to consist of the Third Vice-President as chairman and two other members chosen by the Publication Committee, to assist the Publication Committee in making sales of publications; and all members of the Society and all members of the Honorary Advisory Board, whether members or not, shall be entitled to purchase any or all of the Society publications at special reduced prices, as fixed by the Publication Committee and the Sales Committee.

6. An Auditing Committee of three members whose duty it shall be to inspect and approve all accounts belonging to or pertaining to the Society. The Auditing Committee shall make a report at each regular meeting in January.

7. Each committee, following each and every meeting or transaction of the committee, shall file a report thereof with the Recording Secretary.

#### Article VIII—Honorary Advisory Board

This shall be composed of at least 12 persons of distinction, members or non-members of the Society, whether residing in Rockingham County or elsewhere, whose interest in Rockingham County and in the general aims of this Society is well known. Acceptance of a place on this Board imposes



no obligation whatever, but if at any time any member of the Board is disposed to offer any suggestion for the welfare of the Society it will be gratefully appreciated.

#### Article IX—Meetings

Regular meetings shall be held quarterly, to wit: at 2 o'clock p. m. on the second Saturday in January, April, July and October. Special meetings may be called by the President or the Acting Vice-President, and shall be called upon a written request signed by 10 members.

#### Article X—Elections and Voting

1. Election of officers and members of the Honorary Advisory Board and election or appointment of committees shall take place at the regular meeting in January.

2. All nominations for officers, members of the Honorary Advisory Board, and committees shall be made from the floor in open meeting. Voting for officers and for amending this constitution shall be by ballot; in all other cases by a show of hands or viva voce. A majority vote shall be sufficient for action except in amending this constitution.

3. Any or all members of committees, not otherwise provided for, may be chosen by nomination and vote. Those not chosen in this manner shall be appointed by the President or the Acting Vice-President.

4. Elections may be held and appointments made at any regular or called meeting; and in any emergency a vacancy in office or on any committee may be filled by the Executive Committee without a meeting of the Society. A report of every such action, outside of a meeting, shall be filed at once with the Recording Secretary.

#### Article XI—Terms of Office

All officers, members of the Honorary Advisory Board, and members of committees shall serve during the current year (January to January) or until their successors are elected or appointed; and all shall be eligible for re-election or re-appointment.

#### Article XII—Quorum

After January 1, 1945, 15 members shall be required for a quorum.

#### Article XIII—Rules of Order

In every meeting the usual rules of order and procedure shall be followed.

#### Article XIV—Amendments

Amendments to this constitution may be proposed at any regular meeting, but they shall be submitted in writing and shall be held over for consideration until the next regular meeting; then they shall be voted on by ballot, and for ratification and incorporation must receive two-thirds of the votes cast. Voting by proxy shall not be allowed in any case of amendment or other proceeding by this Society.

#### Article XV—Seal, Incorporation, and Salaries

After January 1, 1945, it shall be proper for the Society to adopt a seal, to consider the question of incorporating the organization, and to consider also the matter of reasonable salaries for certain officers of the Society, if funds are available.

#### OFFICERS ELECTED

President, Joseph K. Ruebush; first vice-president, W. O. Mowbray; second vice-president, John W. Wayland; third vice-president, C. E. Lokey; recording secretary, Miss Flavia Converse; corresponding secretary and librarian, Noah D. Showalter; treasurer, Harry A. Brunk.

The six officers named above compose the Executive Committee.

#### MEMBERSHIP COMMITTEE

W. O. Mowbray, chairman

Byrd, Miss Emma E.; Conquist, Mrs. Myrtle V.; Fallis, William S.; Good, J. S. H.; Wampler, Fred C.

## ACQUISITION COMMITTEE

Noah D. Showalter, chairman

Bassford, Kirby S.; Carrier, C. J.; McGahey, C. R.; Nair, C. E.; Souder, Charles L.; Spitzer, L. N.

## PUBLICATION COMMITTEE

John W. Wayland, chairman

Armentrout, Miss Mary T.; Cebrat, Miss Anna E.; Coffman, F. Wilmer; Stultz, Russell L.

## SALES COMMITTEE

C. E. Lokey, chairman

Berry, Mrs. Wade; Shank, Mrs. O. D.

## AUDITING COMMITTEE

R. G. Heneberger, chairman

Fishback, T. W.; Myers, John C.

At the regular scheduled meeting on January 13, 1945, all of the above officers and committees were re-elected.

## HONORARY ADVISORY BOARD

Hon. George L. Bowman, Kingfisher, Okla.  
 Rev. J. Silor Garrison, D.D., Harrisonburg  
 Mr. Richard E. Griffith, Sr., Winchester  
 Mr. Claude W. Hanley, Fort Worth 4, Texas  
 Fred P. Myers, Esq., Washington, D. C.  
 Mrs. Charles E. Palmer, Sioux City, Iowa  
 Judge John Paul, Harrisonburg  
 Miss Paulina S. Winfield, Broadway  
 (Others to be added.)

## ACQUISITIONS

Already many items of historical value and interest have been collected. In this work, Mr. Showalter, librarian and custodian, and chairman of the acquisition committee, has been active and untiring, and his efforts have been finely rewarded. Among the collection already in hand, gifts and

loans, are rare manuscripts, several old diaries, photographs, files and fugitive copies of old newspapers, old ledgers and account books, and several implements, pieces of household furniture, and mechanical contrivances suitable for the Society's museum. In time, and with a suitable place for storage, these and other museum pieces will be available for the inspection of the public. They should be of special interest to students of schools and colleges.

## OFFICES AND QUARTERS

During the first year, through the generous cooperation of Mr. James M. Weaver and others, the Society was quartered in a room on the third floor of The National Bank Building, in Harrisonburg. Several months ago, by favor of the county board of supervisors, Messrs. Howard Heatwole, Carson F. Holsinger, Elmer A. Jordan, C. W. McGuire, and B. S. McKay, and the cooperative interest of the Turner Ashby Chapter, United Daughters of the Confederacy, the Society was allowed to occupy the room on the third floor of the county-city court house which, for a number of years, the Turner Ashby Chapter U. D. C. has used, and in which the chapter had already collected and stored many items of historical interest including a fine collection of Confederate portraits. The Society is now taking steps to provide shelves and filing cabinets in order to use the available space to better advantage and to arrange the collection of material in its hands in more attractive and convenient order.

A list of donors is being compiled for publication in a subsequent number of **The Recorder**.

## ROLL OF SOCIETY MEMBERS

(To April 20, 1945)

Acker, D. C., Broadway; 1-17-45  
 Aldhizer, George S. II, Broadway; 9-25-44  
 Alexander, Glenn, 536 W. 43 Place, Los Angeles, California; 10-12-44  
 American Antiquarian Society, Worcester, Mass.; 1-29-45  
 Armentrout, Miss Mary T., Madison College, Harrisonburg; 9-29-44  
 Ashby, E. S., Harrisonburg; 5-10-44

- Barr, Lockwood, 60 E. 42nd St., New York, N.Y.; 3-7-45  
 Bassford, Kirby S., Harrisonburg; 5-17-44  
 Beahm, I. N. H., Nokesville; 9-8-44  
 Bell, Miss Mary L., Harrisonburg; 9-25-44 (Died March 6, 1945.)  
 Berry, Mrs. Wade, Harrisonburg; 8-25-44  
 Bishop, John G., Nyack, N. Y.; 1-26-45  
 Bishop, Mrs. W. T., 616 W. 6th, Sedalia, Mo.; 1-17-45  
 Blosser, Emanuel, Harrisonburg; 6-10-45  
 Boggs, Mrs. Gordon, Franklin, W. Va.; 7-8-44  
 Bolen, Mrs. John W., Harrisonburg; 7-13-44  
 Bosserman, Miss Mary C., Harrisonburg; 12-8-44  
 Bowman, George Lynn, Kingfisher, Okla.; 6-17-44  
 Bowman, Paul H., Bridgewater; 6-3-44  
 Bradley, Miss Margaret, Harrisonburg; 5-25-44  
 Bradley, S. B., Harrisonburg; 8-21-44  
 Breneman, J. R., Fulks Run; 4-20-45  
 Bridgewater College Library, Bridgewater; 2-24-45  
 Brunk, C. D., P. O. Box 1125, Sumter, S. C.; 2-24-45  
 Brunk, Harry A., Harrisonburg; 5-9-44  
 Byrd, Miss Emma E., Harrisonburg; 5-30-44  
 Callender, S. H., Harrisonburg; 6-14-44  
 Carrier, Charles Robert, Bridgewater; 2-24-45  
 Carrier, C. J., Bridgewater; 2-24-45  
 Cebrat, Miss Anna E., Harrisonburg; 5-6-44  
 Clem, Mrs. Silva E., 419 Thornrose Avenue, Staunton; 9-29-44  
 Cline, A. Fred, Harrisonburg; 6-2-44  
 Cline, Justus H., Stuarts Draft; 7-1-44  
 Coffman, F. Wilmer, Harrisonburg; 5-9-44  
 Conquist, Mrs. Myrtle E. V., Harrisonburg; 6-5-44  
 Conrad, Laird L., Harrisonburg; 5-15-44  
 Converse, Miss F. Flavia, Harrisonburg; 5-6-44  
 Converse, Miss Virginia E., Harrisonburg; 6-2-44  
 Cootes, D. Frank, Charlottesville; 6-10-44  
 Cozart, James A., 145 W. Pike Street, Canonsburg, Pa.; 1-17-45  
 Crawn, D. C., Bridgewater; 9-26-44  
 Crews, H. K., Florida Bank Bldg., Orlando, Fla.; 2-24-45  
 Curry, A. Stauffer, Bridgewater; 9-26-44  
 Cyrus Hall McCormick Library, Lexington; 1-17-45  
 Denton, B. T., Harrisonburg; 9-8-44

- Deter, J. L., Harrisonburg; 5-15-44  
 Diehl, Walter S., 4501 Lowell St., N. W., Washington 16, D. C.; 2-24-45  
 Donovan, Mrs. Lucy M., Singers Glen; 7-25-44  
 Dove, Alonzo, Broadway; 5-6-44  
 Dove, Fred D., Bridgewater; 9-26-44  
 Dovel, J. Newton, Luray; 9-7-44  
 Earman, D. Wampler, Harrisonburg; 2-24-45  
 Evans, Mrs. Donald W., 321 Illinois Avenue, Peoria 4, Ill.; 5-27-44  
 Ewing, Isaac S., Harrisonburg; 2-24-45  
 Fallis, William S., Route 4, Harrisonburg; 5-6-44  
 Farver, Mrs. Mary V., 630 Second Street, Portsmouth, Ohio; 2-24-45  
 Fauls, Charles L., Harrisonburg; 9-8-44  
 Finter, A. C., Stanley; 8-29-44  
 Fishback, T. W., Harrisonburg; 5-6-44  
 Fletcher, A. K., Jr., Harrisonburg; 9-8-44  
 Flory, John S., Bridgewater; 8-1-44  
 Fruth, Mrs. Mary, Deshler, Ohio; 8-14-44  
 Funkhouser, Casper L., Dayton; 9-26-44  
 Funkhouser, O. T., Harrisonburg; 5-17-44  
 Gambill, J. R., Harrisonburg; 9-25-44  
 Garber, Miss Frances W., Harrisonburg; 9-29-44  
 Garber, J. A., Harrisonburg; 4-20-45  
 Ganes, Mrs. Mary A., 1023 4th Ave., S. E., Cedar Rapids, Iowa; 1-17-45  
 Garrison, J. Silor, Harrisonburg; 2-24-45  
 Glick, J. Paul, Waynesboro; 9-6-44  
 Golladay, J. D., Moore's Store; 5-6-44  
 Good, Mrs. Annie Burke, Harrisonburg; 7-19-44  
 Good, J. S. H., Dayton; 10-28-44  
 Grattan, Mrs. George G., Jr., Harrisonburg; 7-1-44  
 Graves, Porter R., Harrisonburg; 5-15-44  
 Griffin, Mrs. Ransom, 5858 Central Avenue, Indianapolis 3, Ind.; 2-24-45  
 Griffith, Mrs. Lurline E., 4407 Winfield Avenue, Montebello Park, Baltimore 14, Md.; 5-27-44  
 Hackendorn, Mrs. Refa Sites, Claymont, Del.; 5-24-44  
 Handley Library, Winchester; 2-24-45  
 Hanley, Claude W., 2715 University Drive, Fort Worth 4, Texas



- Harris, Miss Elizabeth J., Harrisonburg; 7-31-44  
 Harrisonburg Telephone Company, Harrisonburg; 2-24-45  
 Harshbarger, J. C., Harrisonburg; 6-24-44  
 Hatke, L. B., 1602 W. Grace St., Richmond 20; 7-15-24  
 Heatwole, B. G., Elkton; 8-1-44  
 Heatwole, Daniel R., 133 N. Grant Street, Palmyra, Pa.; 11-8-44  
 Heatwole, Frank H., 201 Thornrose Avenue, Staunton; 2-24-45 (Died April 6, 1945.)  
 Heatwole, Mrs. Thelma C., Elkton; 8-1-44  
 Heatwole, William M., Harrisonburg; 5-6-44  
 Heneberger, R. G., Harrisonburg; 5-9-44  
 Hering, Mrs. E. A., Harrisonburg; 6-6-44  
 Hess, J. W., Harrisonburg; 5-6-44  
 Hobby Shop, Mrs. Helen M. Zirkle's, Luray; 4-4-45  
 Hoover, S. B., Harrisonburg; 5-29-44  
 Jackson, Eugene B., Harrisonburg; 5-22-44  
 Kansas State Historical Society, Memorial Bldg., Topeka, Kans.; 2-24-45  
 Kaylor, Lupton L., Harrisonburg; 9-7-44  
 Keister, William H., Harrisonburg; 6-20-44  
 Kline, J. M., Broadway; 6-7-44  
 Kline, John Homan, Broadway; 6-7-44  
 Kline, Paul G., Edom; 6-7-44  
 Lanham, H. G., Mt. Clinton; 3-10-45  
 Larner, Mrs. Thomas M., "Sefton," Route 2, Staunton; 8-21-44  
 Lee, Mrs. Jerrine Payne, Harrisonburg; 5-15-44  
 Lineweaver, Ethel Irwin, Harrisonburg; 4-19-45  
 Lineweaver, Joe, Harrisonburg; 4-19-45  
 Loewner, LeRoy S., Harrisonburg; 9-7-44  
 Logan, Conrad T., Madison College, Harrisonburg; 5-9-44  
 Lokey, Charles E., Timberville; 5-6-44  
 Lucas, J. Lynn, Luray; 4-4-45  
 Luray Museum, Luray; 4-4-45  
 McGahey, C. R., McGaheysville; 5-17-44  
 McGahey, Mrs. John, 615 E. Main Street, Washington, Ind.; 2-24-45  
 McKay, B. S., Edom; 8-26-44  
 McMullen, C. L., Linville; 5-6-44  
 McNeill, Irvine Seymour, Harrisonburg; 6-8-44  
 McNeill, Miss Kathryn Seymour, Harrisonburg; 6-8-44

- Markey, M. B., Harrisonburg and Elkton; 9-30-44  
 Martz, C. Thomas, Harrisonburg; 6-8-44  
 Martz, Samuel B., Harrisonburg; 9-29-44  
 Mauzy, Charles H., Harrisonburg; 5-10-44  
 Mays, Morley J., Bridgewater; 9-26-44  
 Meadows, Azel, P. O. Box 94, Huntington W. Va.; 2-24-45  
 Menefee, W. W., Harrisonburg; 3-28-45  
 Miller, Francis S., Harrisonburg; 5-29-44  
 Modisett, Jesse T., Luray; 8-7-44  
 Modisett, S. H., Luray; 8-7-44  
 Morrison, Claude, Harrisonburg; 5-29-44  
 Mowbray, W. O., Singers Glen; 5-6-44  
 Myers, Fred P., 1011 Woodward Bldg., Washington, D. C.; 5-6-44  
 Myers, John C., Broadway; 6-20-44  
 Myers, Mrs. Talley S., Mt. Crawford; 9-13-44  
 Myers, William G., Harrisonburg; 9-8-44  
 Nair, C. E., Broadway; 3-9-45  
 New York Public Library, New York 18, N. Y.; 3-5-45  
 Ney, Alvin H., Harrisonburg; 5-6-44  
 Ney, Henry, Harrisonburg; 5-6-44  
 Nicholas, Miss Elizabeth L., Harrisonburg; 9-30-44  
 Nicholas, Miss Georgia W., Harrisonburg; 9-30-44  
 Old Stage Coach, Mt. Crawford; 3-7-45  
 Ott Everett D., Jr., Harrisonburg; 5-30-44  
 Palmer, Mrs. Charles E., Sioux City, Iowa; 6-20-44  
 Paul, John, Harrisonburg; 2-24-45  
 Powell, Mrs. John, Mt. Crawford; 6-2-44  
 Price, Page P., Harrisonburg; 5-29-44  
 Reilly, John J., Harrisonburg; 6-13-44  
 Reilly, William S., Harrisonburg; 5-9-44  
 Reubush, Robert F., 5713 N. 21st Street, Philadelphia 38, Pa.; 2-24-45  
 Rhinehart, Paul E., Sr., Vienna; 5-6-44  
 Riddel, C. T., Bridgewater; 9-26-44  
 Rolston, Mrs. D. Hopkins, R.F.D.4, Harrisonburg; 9-8-44  
 Rolston, Gilbert, Harrisonburg; 5-29-44  
 Ruddle, Don, Singers Glen; 5-6-44  
 Ruebush, Glenn W., Harrisonburg; 5-10-44  
 Ruebush, James H., Dayton; 5-6-44  
 Ruebush, Joseph K., Harrisonburg; 5-6-44  
 Ruebush, Mrs. Nancy Byrd, Harrisonburg; 9-30-44



- Ruebush, William H., Dayton; 8-17-44.  
 Russell, Robert E. L., 706 E. 41st Street, Baltimore, Md.;  
 9-11-44  
 Shadwell, Lemuel R., 5402 Matoaka Road, Richmond 21,  
 2-24-45  
 Shands, Mrs. Margie O., Harrisonburg; 7-21-44  
 Shank, John W., Harrisonburg; 5-6-44  
 Shank, Mrs. O. D., Harrisonburg; 4-19-45  
 Shirkey, Earle Lee, Harrisonburg; 5-20-44  
 Showalter, Jacob M., Linville; 8-16-44  
 Showalter, J. Henry, West Milton, Ohio; 5-22-44  
 Showalter, Mrs. Lizzie O., Harrisonburg; 5-6-44  
 Showalter, Noah D., Harrisonburg; 5-6-44  
 Sibert, Mrs. Sallie E. Thuston, 209 Grove Street, Green-  
 ville, Mich.; 9-25-44  
 Smith, Mrs. Avis Tatum, Santa Barbara, Calif.; 8-22-44  
 Sneed, C. M., 506 W. Broadway, Columbia, Mo.; 1-17-45  
 Snyder, Miss Maude R., Harrisonburg; 3-16-45  
 Souder, Charles L., Bergton; 8-17-44  
 Spitzer, L. N., Harrisonburg; 5-9-44  
 Spitzer, Perry F., Harrisonburg; 5-8-44  
 Stickley, James O., Harrisonburg; 5-15-44  
 Strickler, Miss Dorothy, R. F. D. 1, Timberville; 9-27-44  
 Strickler, Harry M., Luray; 7-3-44  
 Strickler, Mrs. R. B., Harrisonburg; 2-24-45  
 Stultz, Mrs. Lucie Spiker, Harrisonburg; 5-9-44  
 Stultz, Russell L., Harrisonburg; 5-9-44  
 Swartz, William P., Jr., 107 Sherwood Avenue, Roan-  
 oke; 2-24-45  
 Switzer, J. Robert, Harrisonburg; 5-10-44  
 Underhill, Mrs. Alice McGahey, Staunton; 2-24-45  
 Utah, Genealogical Society of, Salt Lake City, Utah;  
 6-26-44  
 Wampler, Fred C., Dayton; 7-8-44  
 Wayland, Francis F., 44 Pommer Avenue, Stapleton,  
 Staten Island 4, N. Y.; 5-6-44  
 Wayland, John W., Harrisonburg; 5-6-44  
 Wayland, J. Walter, Harrisonburg; 5-6-44  
 Weaver, James M., Harrisonburg; 5-15-44  
 Weaver, James M., Jr., Harrisonburg; 5-15-44  
 Weaver, Mrs. Margaret Grattan, Harrisonburg; 5-15-44  
 Weaver, Marion R., Harrisonburg; 2-24-45

- Weaver, Russell M., Harrisonburg; 5-29-44  
 Wees, Mrs. Boyd, 13 Buffalo Street, Elkins, W. Va.;  
 1-17-45  
 Whitmore, C. R., Broadway; 6-7-44  
 Will, E. E., Timberville; 3-10-45  
 Wilson, Parks W., Harrisonburg; 9-8-44  
 Wine, Mrs. John E., Harrisonburg; 4-10-45  
 Worrell, Mrs. Frank A., 3323 Woodrow Avenue, Rich-  
 mond 22; 9-29-44  
 Wright, Charles C., Bridgewater; 9-26-44  
 Yancey, B. S., Harrisonburg; 5-15-44  
 Yancey, Miss Lois, Harrisonburg; 2-24-45  
 Yoder, Miss Florence B., Harrisonburg; 5-22-44  
 Zigler, S. D., Broadway; 5-6-44  
 The date after each name indicates when certificate of  
 membership was issued.  
 With deep regret the society records the death on October  
 4, 1944, of Professor George Warren Chappleear.

## ADDRESS OF JUDGE JOHN PAUL, SR.

at the laying of the cornerstone of the

Rockingham County Court House,

October 15, 1896.

Mr. Chairman, Ladies and Gentlemen:

The people of the great county of Rockingham have assembled this day to lay the corner-stone of a structure that is to be for them and their children a Temple of Justice. It is in this building that the high and honored seat of Justice is to be established. It is here that thousands at home and from abroad will come to have adjudged through the medium of the courts the contentions incident to the business transactions that belong to all civilized peoples. It is here that are to be administered and enforced the criminal laws of the Commonwealth, the great safe-guards of all the people in the security of life, liberty, property, and the pursuit of happiness.

But this is not only to be that home of justice, which is the common possession of all the citizens of this county, but it is to be the depository of evidences of the most important rights of property, and of the most holy and sacred relations of life. It is here that will be placed on permanent record the evidence of the title by which every citizen holds his right of property, and from here will issue the commission which authorizes the blending of two lives into one—that union of hearts and hopes which is the foundation of home and the family circle, with all its joys and its sorrows, its aspirations and its disappointments. Here is to be preserved the history of that family; the births of the little children as they come to take their places in the ranks of the great army of humanity, to share in the struggles of life, reaping its joys and its triumphs, and bearing its sorrows and its disappointments and its failures. Here, too, will be kept the records that the inroads of death make in that family and home, telling when he claimed the precious dead, and whether it was the little child at the very dawn of life, the bright blooming girl on the verge of womanhood, the youth, whose ardor was just ripening into manhood's strength, the father or mother of mature years going to rest in the very summer of life, or whether they fell

asleep when their lives were filled out with years full of good works. And here shall be entered of permanent record the last will and testament that disposes of the accumulations of a life of thrift, industry, and economy as affection and duty may direct.

So completely centered are the rights and interests of the people of a county in Virginia in the records of their courts, and in the clerks' offices of their courts, that a correct and elaborate history of these forms a great and substantial part of the history of their county.

Considering, then, the great purposes of the building, the foundation of which we today dedicate with such imposing ceremony; the character and qualifications necessary in the public servants who shall from time to time be called to administer the laws for the welfare of the people, the occasion seems meet and proper for a brief historical sketch of the court houses and the courts of the county from its formation to the present; and in connection therewith brief reference to the Judges, Justices of the Peace, Clerks, the Commonwealth's Attorneys, and the Lawyers of the Rockingham Bar, who in their respective spheres have made their lives a part of this history.

Owing to the partial destruction of the records of our courts during the late civil war, and the absence of an index to most that remains, the work of preparing anything like a connected, instructive, and satisfactory history of our courts is one requiring considerable care and labor; and even then must necessarily be more or less incomplete and imperfect. Some years ago G. F. Compton, formerly a member of the Rockingham Bar and deputy clerk of the circuit court, now a resident of Charlottesville, rendered the people of the county a valuable service in a series of articles published in the *Rockingham Register* entitled "Rockingham County." In these articles Mr. Compton has furnished much information in connection with the early history of the county, and especially concerning the history and progress of its prominent religious denominations. It is to be hoped that he will find it convenient to put this work in a permanent form. In an address delivered on the 5th of July, 1876, your speaker endeavored to give a sketch of Rockingham County, but with (to him) unsatisfactory success. With more extended investigation, I

trust he has for this occasion obtained more satisfactory results.

Just one hundred and nineteen years ago, in this very month of October, the county of Rockingham was created by Act of the General Assembly of the young Commonwealth of Virginia, then in the second year of her independence. The October sun, no doubt, shone down as beautifully that day upon the rude cabins and log houses of the hardy pioneers of the sparsely settled Shenandoah Valley when the foundations of this now great county were being laid, as it shines forth this bright day upon their descendants who have made the then almost wilderness a land thickly studded with comfortable homes, filled with an intelligent, industrious, prosperous, happy, conservative, country-loving, and religious people.

#### Formation of Rockingham County

When Rockingham County was formed the war clouds of the American Revolution were hanging heavy over the thirteen young States then struggling to maintain that independence which they had declared but little more than one year before. The battles of Lexington and Bunker Hill had been fought and won by the colonists, and here in Virginia Lord Dunmore, the Royalist Governor, had been forced to flee from Williamsburg, then the seat of government, and had been defeated in battle by the Virginians at Great Bridge, twelve miles south of Norfolk, and had fled from there, taking refuge on a British man-of-war in Chesapeake Bay. His soldiers and sailors had indeed burnt Norfolk and destroyed nine tenths of the buildings and property valued at one million and a half dollars, but his fleet had been driven from Chesapeake Bay and Virginia was, for a time at least, almost free from the foot of her foes. The battle of Brandywine had just been fought and lost to the Americans, and that of Germantown had been a drawn battle. In this same month Burgoyne surrendered at Saratoga. Patrick Henry, whose fierce revolutionary eloquence had rung through all the colonies and stirred the hearts of the people as the souls of men were never aroused by mortal man before, was then Governor of Virginia. Washington was at the head of the American army and was marshaling his forces at Trenton under the brave new banner,

the "Stars and Stripes," which had been adopted as the American flag by the Continental Congress during the preceding summer, and which then consisted of thirteen stars on a blue field, and thirteen alternate stripes of red and white for the fly. It now has nearly four times as many stars and none of them is dim.

Lafayette had crossed the Atlantic, had landed at Charleston, and had passed through Virginia on his way to join Washington at Trenton, and aid him in the achievement of independence. DeKalb, Pulaski, and Kosciusko had also come to take part in the great struggle for human liberty, and our forefathers were then perfecting that alliance with France which eventuated in the surrender of Cornwallis at Yorktown and the acknowledgment of American independence by the government of Great Britain.

The name of Rockingham was a favorite one among the American colonists, and several of the colonies gave it to counties and towns founded during the struggle for independence. It was so honored because of Lord Rockingham, who exerted himself to restore harmony between England and her American colonies, though he was opposed by the King, George III, and unsupported by his colleagues in the Ministry. His greatest political achievement was that, in spite of his adversaries, he secured the repeal of the hated "Stamp Act" in the interests of the colonists. Burke said of him, "In opposition he respected the principles of government, and in the Ministry protected the liberties of the people." His record in the "Book of Peerage" is: "Charles Watson Wentworth, second Marquis of Rockingham, was born in 1730. He was twice Prime Minister of England and died in office July 1st, 1782." His epitaph, by Burke, is the highest eulogy: "A man to be held in esteem, because he did not live for himself."

The Act of the General Assembly of Virginia creating the county of Rockingham is found in 9 Hening's Statutes at Large, page 420. It is as follows:

"WHEREAS, it is represented to this present session of assembly by the inhabitants of Augusta and Botetourt counties that they labour under many inconveniences by reason of the great extent of the said counties and parishes; Be it therefore enacted by the General Assembly, That from and after the first day of March next the said county and parish of



Augusta shall be divided by a line beginning at the north side of the North Mountain, opposite to the upper end of Sweedland Hill and running a direct course so as to strike the mouth of Seneca creek on the north fork of the south branch of Potomac river and the same course to be continued to the Alleghany Mountain, thence along the said mountain to the line of Hampshire county; and all that part of the said county and parish of Augusta which lies to the northward of the said line shall be added to and made part of the said county and parish of Hampshire. And that the residue of the county and parish of Augusta be divided by a line to begin at the South Mountain and running thence by Benjamin Yardley's plantation so as to strike the north river below James Byrd's house, thence up the said river to the mouth of Naked Creek, thence leaving the river a direct course so as to cross the said river at the mouth of Cunningham's branch, in the upper end of Silas Hart's land, to the foot of the North Mountain, thence fifty-five degrees west to the Alleghany Mountain, and with the same to the line of Hampshire; and all of that part which lies north-eastward of the said line shall be one distinct county and parish, called and known by the name of Rockingham."

It will thus be seen that our county was formed of part of Augusta County. Its boundaries will be better understood if I state them in modern phrases as follows:

Beginning on the South Mountain (Blue Ridge), thence by a direct line past Benjamin Yardley's plantation (now Mohler's) so as to strike North River below James Byrd's house (James Beard is the way it is now spelled). The point is at Diehl's Ford, about one mile and a half above the junction of Middle and North rivers. Thence up North River to the mouth of Naked Creek; thence by a direct line so as to cross North River at the mouth of Cunningham's Branch (now Thorn Run). This point is at Mr. Sanger's house. Thence, same course, to the foot of North Mountain. Thence N. 55 degrees W. to the top of the Alleghany Mountain; thence with the top of said mountain to the Hampshire County line; thence with it (the old Fairfax line) to the top of the South Mountain (Blue Ridge), and with the top of said mountain to the beginning.

These were the ancient boundaries, and included, on the northwest, all of what is now Hardy and Grant counties and a considerable portion of Pendleton County, in West Vir-

ginia, and, on the east, the upper end of Page County, in Virginia. The boundary line, now commencing on the Blue Ridge, reaches to the top of the Pendleton Mountain, about thirty yards south of the new Briery Branch and Pendleton road, follows the top of the said mountain to the old Fairfax line and with it to the top of the Massanutten Mountain; thence southwest along the top to a point nearly opposite Shenandoah City; thence down the east side of said mountain to the Shenandoah River just below Shenandoah City; thence up the river to Naked Creek<sup>1</sup> and up it to the North Fork thereof to the top of the Blue Ridge, and with it to the beginning, which is the low place just above Black Rock Spring.

The same act of the General Assembly of Virginia which created the county of Rockingham also created the county of Rockbridge from the territory of Augusta and Botetourt counties, and the county of Green Brier from the territory of Augusta, Botetourt, and Montgomery. The same act also changed the name of Dunmore County (which had been named in honor of Lord Dunmore, the deposed colonial Governor) to Shenando now called Shenandoah.

#### The Establishment of the County Court of Rockingham County

The act of the General Assembly of Virginia which created the county of Rockingham also provided that for the administration of justice in said county of Rockingham, after the commencement of said act, "a court shall be held therein for the county of Rockingham on the fourth Monday of every month . . . the first court for the said county of Rockingham to be held at the house of Daniel Smith." See 9 Hening, Statutes at Large, page 422.

The act of the General Assembly of Virginia, in order to put the county court of Rockingham County in operation provided as follows:

"The Justices for said Court, or a major part of them, being present, and having taken the oaths required by law, &c., shall fix on a place for holding court in their county at or as near the centre as the situation and convenience thereof will admit of and shall thenceforth proceed to erect the necessary publick buildings at such place, and shall also appoint

<sup>1</sup> This is not the same Naked Creek as the one mentioned above.

such place for holding courts in the meantime, until such buildings shall be completed, as they shall think fit, and shall have power to adjourn themselves to such places as they shall appoint; and after the publick buildings shall be completed the courts for the said county shall thenceforth be held at such place."

### The Court Houses of Rockingham County

Let us briefly sketch the history of the court houses of Rockingham County:

The first building in which the court was held was the dwelling house of Daniel Smith, where it was held in accordance with the requirement of the act of the General Assembly establishing the court. Daniel Smith lived about two miles north of Harrisonburg on what has long been known as Smithland, or the Smith farm, through which the Valley Turnpike runs. His dwelling was on the west side of the pike. The land is now owned by Robert Liskey and other persons who from time to time have purchased parts thereof.

At the first term of the court, held on the 27th day of April, 1778, the court entered the following order:

"The court having taken into consideration the Properest Place for holding of courts until the Publick Buildings are erected, have unanimously resolved to hold court at the house of Daniel Smith in the meantime the Publick Buildings are completed and the Sheriff is ordered to give notice thereof to the Inhabitants of the county."

The court continued to be held at Daniel Smith's house until the November term, 1779, when, on the 22d day of that month, the court, as the first order of that term, entered the following:

"The court 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 suitors and others who may have business at court—are of opinion that court should be adjourned to the plantation of Thomas Harrison, and it is hereby adjourned accordingly."

The next order, entered on the same day, was that of

"A court held for Rockingham county, by adjournment, on Monday, the 22d day of November, 1779." There is nothing in this order to show where this adjourned term was held, but as the preceding order required it to be held on the plantation of Thomas Harrison, it cannot be doubted that it was held where the town of Harrisonburg now stands, and where it has been held ever since.

As has been shown, the act of the General Assembly establishing the county of Rockingham authorized the court to fix a place for holding courts in the county "at or as near the centre as the situation and convenience thereof will admit of," and required the court then to proceed to erect the necessary public buildings at the place so fixed upon. In pursuance of the authority so conferred, the court at its March term, 1779, entered the following order: "Ordered that the second day of the court in May next be appointed to fix the court house, and that the Sheriff summon the Justices not now present to appear on that day." At the May term, 1779, the following order was entered:

"On a majority of the Justices being present and conformable to a resolution of the court in March last for fixing a place for the court house, the several members having proposed three different places, a majority was for fixing it on the plantation of Thomas Harrison, near the head of the spring."

The location thus selected is the place where we are gathered today, and where all the several court houses of the county have stood. The three places referred to in the order as contesting for the location were Daniel Smith's plantation, where the first court was held, Keezletown, and Thomas Harrison's plantation, the place selected. John Davis, William McDowell, John Fitzwater, and Benjamin Harrison were appointed commissioners to let the building of the court house.

The first court house of Rockingham County was built of stone. It was 36 feet long and 26 feet wide. It was one story in height and had a pitch of 12 feet. A partition was cut off at one end 12 feet wide, originally intended to be divided into jury rooms, but this plan was afterwards changed and the jury rooms were made in the "loft," a large half story above the court room lighted by dormer windows. This building was not completed until 1784.<sup>2</sup>

<sup>2</sup> The stone court house as at first planned was not built. On November 23, 1779, the court decided upon a building of squared logs,



The clerk's office for this court house was a small one-story house which stood about 40 feet to the west side of the court house. It was 30 feet long and 15 feet wide. A narrow hall, about five feet wide, ran through the middle of it dividing it into two rooms, one of which was used as the clerk's office and the other as the sheriff's office.

The second court house was erected in the year 1833, by Mr. Lushbaugh, who was the contractor. It was a square building built of brick, was 60 feet long and 60 feet wide, and was two stories high.<sup>3</sup> The court room was in the first story, about 18 feet pitch, with galleries running round on three sides. The entrance to it was through a vestibule in which there was a stairway leading to the second story which was used for the accommodation of the juries. It had a hip-roof and on top there was a cupola or belfrey in which hung a large bell which was rung to call the people together either for a session of the court or any other public gathering. This old court room was, in its time, the arena of contest between many distinguished lawyers at its bar, and was the scene of many a famous political discussion. It was there that such distinguished political leaders as Gen. Brisco Baldwin, Ex-Governor William Smith, Henry A. Wise, and others of our own State, Henry S. Foote of Mississippi, William L. Yancey of Alabama, and, I think, Stephen A. Douglas of Illinois came to engage in their magnificent oratorical displays, and there came, in great crowds, the people of Rockingham and her neighboring counties to hear these great orators. This building remained until after the close of the civil war, but was torn down in 1873 to make way for its successor, which was erected upon the same spot.

The clerk's office for this court house was a two-story brick building which stood about 20 feet west of the court house. On the lower floor were the offices of the clerk of the county court and that of the clerk of the circuit court, and the upper floor was used for the office of the Sheriff and the office of the commissioner of accounts. This was the building recently torn down.

30 by 20 feet in size. This building was used until 1791, when a court house of stone was built, 32 feet long and 26 feet wide "in ye Clear, Two Story High." The old records of the court are voluminous and hard to read; consequently some of the details regarding the first court houses were overlooked until recent years.

<sup>3</sup> This was really the third court house of the county.

The third court house (fourth) was the last, which has been so recently removed to make way for the splendid structure we are about to erect upon its site. It was a two-story building of brick, 75 feet long and 45 feet wide, and 60 feet in height to the comb of the roof. On top of the roof and on the front part of it was a large cupola which contained the town clock and a large bell. In front of the building were square pillars supporting a projection of the upper part of the house. The court room was in the second story with two jury rooms on the same floor. The offices of the circuit and county courts clerks, the treasurer and the sheriff, were on the lower floor. But this court house is so well remembered by all present that a more detailed description is not here necessary.

The first jail erected in the county was located on Daniel Smith's plantation, where the first court was held. This jail was a primitive structure, built of logs, 12 feet square, with one small window and a door. Its use was abandoned when the new jail was erected and its logs were afterwards used in building a toll house on the Valley Turnpike, at the Smith place. This toll house was destroyed by fire only a few years ago.

The same commissioners who were appointed to let the building of the first court house were also required to let the building of a prison, as it was called in the order appointing them, and to contract for "stocks" and a "ducking stool." It was built of hewn logs 12 inches square. It was 18 feet square in the clear, and walled up with stone. The stone wall was two feet thick for the lower part of the jail and eighteen inches thick for the upper part. This prison was located on this square, near the first court house.

The third county jail was built of stone and located on West Market Street, on its north side just beyond the present line of the railroad, going from the court house. The lot was purchased by the citizens of Harrisonburg from John Crommey, May 23d, 1818, and deeded by them to the county. The use of the building as a jail was abandoned some years before the late civil war, but it was used as a military prison or guard house during the war. After the war it was sold to Mr. William Reherd who for several years rented it out as a tenement house. Its site is now vacant.

The fourth jail was of brick on the corner of German and



Graham streets. It was built a few years before the war, and is still standing, though not now used for jail purposes.

The present jail fronting on Graham Street was built in 1894-95.

### The County Seat of Rockingham County

On July 15, 1780, the General Assembly of Virginia enacted the charter for the town of Harrisonburg in an act entitled "An act for establishing the town of Louisville at the falls of Ohio and one other town in the county of Rockingham." Passed May, 1780, in the 4th year of the Commonwealth. 10 Hening, page 293.

The part of this act which concerns the town of Harrisonburg reads as follows:

"And whereas it hath been represented to this General Assembly that Thomas Harrison of the county of Rockingham hath laid off fifty acres of his land where the court house for said county now stands, into lots and streets which would be of great advantage to the inhabitants of that county if established a town for reception of traders, Be it therefore enacted, That from and after the passing this act, the said fifty acres of land so laid off as aforesaid, shall be and the same is hereby established a town by the name of Harrisonburg; that the freeholders and inhabitants of the said town so soon as they shall have built upon and saved their lots according to the conditions of their deeds of conveyance shall be entitled to and have and enjoy all the rights, privileges and immunities granted to, or enjoyed by, the freeholders and inhabitants of other towns not incorporated."

### The County Court

Thus briefly have I reviewed the formation of the county of Rockingham, the history of the public buildings necessary for the accommodation of her courts and the proper administration of justice, the establishment of the town in which they have been situated, and the acquisition of the ground on which located. Let me as well as I can from the historic material obtainable sketch the history of the county court of Rockingham.

The county court system in Virginia certainly dates back to the year 1623, sixteen years after the first settlement made

in the colony at Jamestown, if, indeed, it did not have an earlier existence. In that year the General Assembly of Virginia passed a statute establishing a court for each of the corporations of Charles City and Elizabeth City. They were called monthly courts, and were composed of "the commanders of plantations," and such others as the Governor and his Privy Council might appoint and commission, with the right of appeal to the Governor and Council. And by way of discouraging appeals it was provided that "whosoever shall appeal shall be required to pay double costs if he fail in his suit." 1 Hening, page 125.

As early as 1645 they had become courts of general jurisdiction in law and equity. Confided to them were many important matters of policy and economy. (See note of Mr. Leigh to the Revised Code of 1819, page 244.)

From 1623 to 1776, a period of one hundred and fifty-three years, this was the only court the people of Virginia had, except the General Court, which had existed from the earliest colonial period.

In addition to the general jurisdiction of the county courts of all property rights, they had jurisdiction of all criminal offenses, except cases of felony committed by white persons. The latter had to be tried by the General Court.

The first constitution of the State, that of 1776, provided that the Governor, with the advice of the Privy Council, should appoint justices of the peace for each county, and in case of vacancies or a necessity for increasing the number thereafter, that such appointments should be made upon the recommendation of the respective county courts.

The persons appointed to this office were popularly known as "Gentlemen Justices." The position was one of great honor and dignity in the community, and the duties were rendered without any compensation in the way of fees or salary, but the senior justice had the right to take the sheriffalty for one year's term, vacating his office as justice to do so.

The jurisdiction, dignity, and importance of the county courts as they existed when Rockingham County was formed invest the history of our own county court with very great interest. The first order entered upon the assembly of our county court after the appointment by the Governor, Patrick

Henry, and his Privy Council of the "Gentlemen Justices" to compose it, was as follows:

"Virginia, Sect.

"Be it remembered that on the twenty-seventh day of April, one thousand, seven hundred and seventy-eight, a Commission of Oyer and Terminer under the hand of His Excellency, Patrick Henry, Esq., Governor in Chief, dated the XXIV day of March, MDCCLXXVIII, directed to Silas Hart, Daniel Smith, Abraham Smith, John Grattan, Josiah Davisson, John Skidmore, George Boswell, Thomas Hewitt, John Thomas, William Nalle, Robert Davis, James Dyer, Henry Ewin, William McDowell, Anthony Ryder, John Fitzwater and Isaac Henkle, Gentlemen Justices for the county of Rockingham, being read, Daniel Smith and Abraham Smith having administered the oath of a justice of peace as prescribed by Act of Assembly, also the oath of a Justice of Oyer and Terminer to Silas Hart, Gent., and then the said Silas Hart administered each of the said oaths to Daniel Smith, Abraham Smith, John Grattan, Josiah Davidson, George Boswell, Thomas Hewitt, John Thomas, James Dyer, Henry Ewin, William McDowell, Anthony Ryder, John Fitzwater and Isaac Henkle aforesaid who were sworn in the commission of the peace and justices of oyer accordingly."

At the court held for Rockingham County on Monday, the 27th April, 1778; Present: Daniel Smith, Abraham Smith, John Grattan, Josiah Davidson, George Boswell, Thomas Hewitt, John Thomas, James Dyer, Henry Ewin, William McDowell, Anthony Reader, John Fitzwater, Isaac Henkle, Gentlemen Justices:

"A commission under the hand of His Excellency, Patrick Henry, Esq., dated the XXIV day of March, MDCCLXXVIII, directed to Silas Hart, Esq., to be Sheriff of the county of Rockingham being read, Daniel Smith and Abraham Smith, Gent., administered the oath prescribed by Act of Assembly to the said Silas Hart, who, with Gabriel Jones and Robert Cravens, Gent., his securities, having entered into and executed bonds according to law, was sworn in Sheriff."

Gawin Hamilton, having taken the oath appointed by Act of Assembly, was, on the motion of Silas Hart, Gent., Sheriff, sworn under-sheriff of this county.

Peter Hog was unanimously chosen and appointed clerk

of the peace for this county and sworn in accordingly.

Thomas Lewis, Gent., produced a commission for surveyor of this county from the president and masters of the College of William and Mary, and having taken the oath prescribed by law, he, with Daniel Smith and Abraham Smith, his securities, entered into bond and was sworn surveyor of this county accordingly.

A commission under the hand of His Excellency, Patrick Henry, Esq., dated the — day of —, 1778, directed to John Grattan, John Thomas, and Daniel Smith, Gentlemen, appointed them coroners for the body of this county. They, having taken the oaths prescribed by law, were sworn in coroners of this county accordingly.

Silas Hart, Gent., conformable to a former resolution entered into by the gentlemen who were in the commission of the peace for Augusta County that have now fallen into Rockingham County, to wit, the said Silas Hart and Daniel Smith, Genta., being the senior justices in the commission of the peace for said county relinquishing their claim to the office of sheriff for this county to the next gentlemen on the commission, in consideration of their having enjoyed the office so lately in Augusta County, and therefore decline serving in said office of sheriff, and requests the court to recommend another person to serve in that office. Whereupon Josiah Davidson, John Skidmore, and George Boswell, Genta., are humbly recommended as fit and proper persons for His Excellency, the Governor, to choose one of them to execute the office of sheriff for this county for the ensuing year.

The court having taken into consideration the properest place for holding of courts until the public buildings are erected, have unanimously resolved to hold court at the house of Daniel Smith in the meantime the public buildings are completed, and the sheriff is ordered to give notice thereof to the inhabitants of the county.

Wm. Bush, Jeremiah Beesley, Henry Brewster, George Huston, William Magill (son of John), Eliot Rutherford, John Fulton, Jr., Joseph Custard, William Devier, Burton Blizard, Samuel Skidmore, Jacob Ellsworth, John Bryan, Junr., Reuben Moore, and Matthias Lair, Junr., are appointed constables in their respective districts, and it's ordered that they be summoned to appear before the next justice of peace to be sworn in to their office immediately.



Ordered that Gawin Hamilton, he first being sworn, do run the division line between this county and Augusta, as also the length of the county from the said line to Lord Fairfax's line,<sup>4</sup> or run any other line by the direction of Mr. Lewis, the surveyor, to enable him to make out a plan of the county.

It is a matter to be much regretted that the records of our county court are not in such a condition as to enable us to give anything approaching even a correct list of the names of the justices composing it from time to time. Such a list would embrace the names of many of the best men who ever lived in the county. It would be a source of pride to their descendants to have the names of their ancestors recorded as component parts of this interesting branch of our judicial system. To collect these names and preserve them is a labor that should be dictated by love for the preservation of whatever is of good report in connection with the history of Rockingham.

From the organization of the court in 1778 down to 1852, when the justices, by the constitution of 1851, became elective by the people as vacancies occurred among their number by death, resignation, appointment to the sheriffalty or the acceptance of an incompatible office, the vacancies were filled by appointment by the Governor on the recommendation of the other justices composing the county court. It was thus a continuing body or, in the language of the political opponents of the system, it was "a self-creating and self-perpetuating institution."

The first assault made upon the manner of selecting the justices was made in the state constitutional convention of 1829-30.

Mr. Jefferson was violently opposed to what he termed the self-perpetuating feature of the court. Whatever Mr. Jefferson in his time opposed or advocated was not long without numerous enemies or numerous friends, as the occasion, from Mr. Jefferson's standpoint, demanded. The proposition to change the law as to the appointment of justices was opposed by Chief Justice Marshall, Mr. Leigh, Mr. Randolph, and other able members of the convention. Chief Justice Mar-

<sup>4</sup> Lord Fairfax's line crosses the Valley on a straight course two miles northeast of Dovesville, one mile southwest of New Market, and a short distance southwest of Newport, the last now in Page County.

shall said that the internal quiet which had ever prevailed in Virginia and the absence of discord and ill feeling between man and man, which were more notable in Virginia than any other State in the Union, was a state of things which he firmly believed was to be ascribed to the practical operation of our county courts. "The Magistrates," he said, "who composed these courts consist in general of the best men in their respective counties. It was mainly to their influence that so much harmony existed in the State."

The opponents of the system failed in the convention of 1829-30, but were successful in that of 1851, when the constitution framed by that convention provided that the justices should be elected by the people; and they continued to be so elected so long as the constitution of 1851 was in operation. It was suspended by the Reconstruction Acts of Congress, and the offices of the justices then in commission, who had been elected in July, 1865, were declared vacant by the military order of Gen. Stoneman in March, 1869, and the vacancies filled by military appointments. These justices appointed by the military held the offices until March, 1870, when the county court, composed of justices of the peace, ceased to exist under the operation of the constitution of 1869. Thus passed from our judicial system a court that had been in existence for two hundred and fifty years; that came into being with the dawn of life of the State of Virginia; that had held its steady and beneficent sway through all the history of the Commonwealth, in peace and in war, foreign and domestic. This court of the people, so near to them in so many of the material interests of life and in its constitution made up as it was of prominent and good men, one at least from every neighborhood in the county, had passed away forever.

Perhaps in the changed condition of affairs in the State, it is better that it is so. I believe myself that in the conditions as they are found under the reorganization of our state government as the result of the civil war, the new system of county courts, held by a single judge, is better adapted to the proper administration of justice than would be the old system. But who of us that remembers many of the good men who composed the old county court, but heaves a sigh of regret that it has passed away as one of the respected and revered institutions of our county? Who of us that is old



enough does not call up in memory the forms and faces of many of the former justices of the county who composed the old county court? They were the men to whom their neighbors looked for counsel and sympathy in all the troubles that come to people in all walks of life. They were the men who were appealed to by the humble and the poor to see that justice was done them, and such appeals never came in vain. Honest, sensible, broad-minded, common-sense justice and charity were the leading characteristics of the justices of Rockingham as we knew them forty years ago. Peace and honor to their sacred memories.

Before leaving the subject of the county court of Rockingham as it existed prior to the present constitution, it will not be inappropriate to refer as well as we can to some of the justices who were elected during the last decade of the existence of the old county court.

The following is a list of the first justices of the peace elected under the constitution of 1852, as appears by the proceedings of the county court at its July term, 1852:

"Virginia, to wit:

"At the court for the county of Rockingham on the third Monday in July, 1852, being the 19th day of said month,

"Present: Stephen Harnsberger, Reuben Moore, David R. Hopkins, George Brennen, G. Justices.

"Samuel H. Lewis, Robert Grattan, Isaac Hardesty, William B. Yancey, Jacob Miller, John A. Herring, Benjamin Hoover, Jackson Horn, John J. Bowman, Jacob Caplinger, Robert C. Mauck, Samuel Ruebush, Michael H. Harris, Reuben Huffman, John R. Koogler, John A. Dice, Milton Ervine, John G. Brown, John Burkholder, Levi May, William D. Hopkins, Archibald Hopkins, Jr., Otway C. Sterling, Andrew Houck, Peter P. Koontz, Isaac Thomas, Daniel Harrison, Henry T. Wartman, Samuel Miller, Samuel R. Sprinkle, Alfred L. Woolf produced in court commissions from the Governor of Virginia, under the lesser seal of the Commonwealth, dated July 3d, 1852, wherein they are commissioned Justices of the Peace in and for the county of Rockingham to reside in their respective districts and to hold their offices for the term of four years commencing on the 1st day of August, 1852. Whereupon the said Samuel H. Lewis, Robert Grattan, Isaac Hardesty, William B. Yancey, Jacob Miller, John A. Herring, Benjamin Hoover, Jackson Horn, John

J. Bowman, Jacob Caplinger, Robert C. Mauck, Samuel Ruebush, Michael H. Harris, Reuben Huffman, John R. Koogler, John A. Dice, Milton Ervine, John G. Brown, John Burkholder, Levi May, William D. Hopkins, Archibald Hopkins, Jr., Otway C. Sterling, Andrew Houck, Peter P. Koontz, Isaac Thomas, Daniel Harrison, Henry T. Wartman, Alfred L. Woolf, Samuel Miller, Samuel R. Sprinkle severally took oath of office prescribed by law, which is ordered to be entered of record.

"At a meeting of the Justices of the Peace for the county of Rockingham (elected by the voters thereof on the 27th day of May, 1852), held at the court house of said county on Monday the 19th day of July, 1852, being the day established by law for holding the July court in said county, in pursuance of the 12 section of the act of the General Assembly of Virginia passed 22d April, 1852, entitled 'An Act providing for the election, qualification, powers, duties and compensation of Justices of the Peace,' &c.,

"Present: Benjamin Hoover, Jackson Horn, John G. Brown, Samuel Miller, Samuel R. Sprinkle, William B. Yancey, Robert C. Mauck, Alfred L. Woolf, Jacob Miller, Samuel Ruebush, John A. Herring, Robert Grattan, Michael H. Harris, Reuben Huffman, John R. Koogler, John A. Dice, Milton Ervine, John J. Bowman, John Burkholder, Levi May, William D. Hopkins, Archibald Hopkins, Jr., Isaac Hardesty, Henry T. Wartman, Otway C. Sterling, Peter P. Koontz, and Isaac Thomas, being a majority of the Justices elected for said county.

"On motion of Robert Grattan the meeting proceeded to the election of one of their own body to be the presiding Justice of the court, and the names of the Justices present being polled they severally voted for Samuel H. Lewis, whereupon the said Samuel H. Lewis was declared to be unanimously elected Presiding Justice of the county court of Rockingham.

"(Signed) S. H. Lewis.

"Atteste: L. W. Gambill, Clerk."

The following proceedings of the county court at its May term, 1856, give us a list of the justices elected in May of that year:

"Virginia,

"At a court held for Rockingham county at the court

house thereof on Monday, the 21st day of July, 1856.

"Present: Samuel H. Lewis, P. J., Isaac Hardesty, John G. Brown, Michael H. Harris, Gent. Justices.

"Wm. B. Yancey, Jacob Rush, Abner Moyers, H. A. Kite, F. M. Layton, J. M. Weaver, Samuel Ruebush, Wm. Saufley, Reuben Huffman, M. H. Harris, Daniel Smith, Wm. E. McD. Harris, John G. Brown, John A. Dice, Jonathan Speck, Robert Black, Archibald Hopkins, Jr., Christian Moyers, Samuel Coffman, John H. Hopkins, O. C. Sterling, Isaac Hardesty, Andrew Houck, A. M. Newman, P. P. Koontz, Daniel Harrison, Wm. W. Carpenter, Dorilas Martz, Naason Bare, Jackson Horn, Benj. Hoover, Derrick Pennybacker, Jacob Caplinger, Reuben Dove, Samuel Miller, and Samuel Sprinkle produced in court commissions from the Governor of Virginia under the lesser seal of the Commonwealth dated the 21st day of June, 1856, wherein they are commissioned Justices of the Peace for the county of Rockingham to reside in their respective districts and to hold their offices for the term of four years commencing on the 1st day of August, 1856; whereupon they severally (except Derrick Pennybacker) took the oaths prescribed by law, which is ordered to be entered of record.

"Ordered that the court be adjourned until tomorrow morning at 10 o'clock.

(Signed) S. H. Lewis."

At a meeting of the Justices of the Peace for the county of Rockingham (elected by the voters thereof on the 22d day of May, 1856), held at the court house of said county on Monday the 21st day of July, 1856, in pursuance to the 12th section of the act of the General Assembly of Virginia passed 22d April, 1852, entitled "An Act providing for the election, qualification, powers, duties and compensation of Justices of the Peace," &c.,

Present: Wm. B. Yancey, Jacob Rush, Abner Moyers, Hiram A. Kite, F. M. Layton, J. M. Weaver, Samuel Ruebush, Wm. Saufley, Reuben Huffman, M. H. Harris, Daniel Smith, Wm. E. McD. Harris, Jno. G. Brown, John A. Dice, Jonathan Speck, Robert Black, Arch'd Hopkins, Jr., Christian Moyers, Jno. H. Hopkins, Sam'l Coffman, O. C. Sterling, Isaac Hardesty, Andrew Houck, A. M. Newman, P. P. Koontz, Dan'l Harrison, Wm. W. Carpenter, Dorilas Martz, Naason Bare, Jackson Horn, Benj. Hoover, Jacob Caplin-

ger, Reuben Dove, Sam'l Miller, and Sam'l Sprinkle, being a majority of the justices elected for said county.

On motion the meeting proceeded to the election of one of their own body to be the presiding justice of the court, and the names of the justices present being polled and a majority being cast for Naason Bare, whereupon the said Naason Bare was declared to be duly elected presiding justice of the county court of Rockingham.

Ordered that O. C. Sterling, Jacob Rush, M. H. Harris, Jno. G. Brown, Jno. H. Hopkins, Dorilas Martz, Benj. Hoover, Samuel Miller, and Samuel Ruebush be appointed a committee whose duty it shall be to classify the justices of the court and report thereon to the August term next, and that said classification be published in the newspapers published in Harrisonburg.

(Signed) Naason Bare.

Atteste: L. W. Gambill, Clerk.

I find that at the July term of the county court, 1860, the following justices, having been elected in May previous, qualified for the term of four years, commencing August 1st of that year:

Theodorus N. Sellers, Asher Argabright, Hiram N. Kite, Wm. S. Miller, Samuel H. Lewis, Sr., Wm. Saufley, Fountain M. Layton, McDonough Harris, Joseph S. Roller, Isaac Wright, Peter F. Earman, Wm. N. Miller, Robert Black, Jonathan S. Speck, Peter Paul, John H. Hopkins, Christian R. Moyers, Archibald Hopkins, Samuel A. Coffman, Stephen H. Harnsberger, O. C. Sterling, Andrew Houck, Anderson M. Newman, Algernon S. Gray, Wm. W. Carpenter, Dorilas Martz, Shelton H. Carrier, Madison Moore, Benjamin Hoover, George Branner, O. Perry Horn, Lewis Will, Jacob Caplinger, and George Fawley.

The last election held in Rockingham at which justices of the peace were elected under the old county court system was in July, 1865, when the following were elected from the several magisterial districts into which the county was divided:

Wm. McK. Wartman, O. C. Sterling, Geo. S. Christie, Josiah S. Roller, Isaac Wright, Peter S. Roller, Edward S. Kemper, Wm. Beard, Enoch B. Dolly, Philander Herring, Peter Paul, Geo. W. Fawley, Adam H. Fulk, Josiah Sowders,



Geo. Wittig, A. S. Baugher, Wm. S. Miller, Lewis Will, Martin Garber, John J. Bowman, Jackson Horn, Wm. H. Hudlow, Wm. S. Showalter, Madison Moore, Wm. W. Carpenter, J. A. Harding, Thomas Moore, Gideon Rosenberger, John Funk, Henry Beery, W. T. McGahey, George W. Kemper, and John B. Amiss.

The last court held by the justices of the peace who were elected by the people was the March term, 1869, when were present: Wm. McK. Wartman, presiding justice, George W. Fawley, George S. Christie, Madison Moore, and George W. Fulk, gentlemen justices.

The last county court held by justices of the peace was held in April, 1870, by justices who had been appointed by military orders under the Reconstruction Acts. It was held by Henry Beery, D. M. Nisewander, G. M. Rogers, E. J. Sullivan, G. W. Sanford, A. R. Gladden, J. McDorman, Cyrus W. Wise, John Gangwer, and David Gilmer.

#### The New County Court

The new county court of Rockingham, composed of a single judge, went into operation in April, 1870. It was opened by that well-remembered gentleman and learned lawyer, the late James Kenney, who was the first county judge of Rockingham County. He was succeeded by Charles T. O'Ferrall, the present Governor of Virginia, who held the office for the regular term of six years. He was succeeded by Robert Johnston, one of the most accomplished and learned members of the Rockingham bar, who was also one of the ablest judges on the bench of any court in Virginia. Judge Johnston held the office until his death (1885) and was succeeded by the present incumbent, Hon. George G. Grattan. This deservedly popular and high-toned gentleman, who lends dignity and character to the position by his learning as a lawyer and his accomplishments as a gentleman, has held the office by successive elections to the present time.

#### Judges of the Circuit Superior Court of Law and Chancery; and of the Circuit Court

The first Circuit Superior Court of Law and Chancery for Rockingham County was held on the 24th day of April, 1809. This court corresponded to our present Circuit Court, and it was held by one of the judges of the General Court, according

to assignment. The first term of the court for Rockingham was held by Judge Hugh Holmes, and he continued to preside in the court until 1811. He was appointed a judge of the General Court on the 6th day of December, 1805, and died in February, 1825.

On the 10th day of April, 1811, Daniel Smith was appointed a judge of the General Court. Upon his appointment he succeeded Judge Holmes in holding the Circuit Superior Court for Rockingham County and continued to hold the court until his death in 1850. Judge Smith was born at the Daniel Smith plantation, two miles north of Harrisonburg, where, as we have seen, the first county court for this county was held on the 27th day of April, 1778. He came to the bar at Harrisonburg in the year 1800. In 1804 he was appointed Commonwealth's Attorney of the county and held the office until he was appointed to the General Court bench. He was the only judge who presided in the Circuit Superior Court of Law and Chancery for Rockingham County from 1811 up to the time of his death in 1850. No judge perhaps who ever presided on the Circuit Court bench in Virginia exerted a better or more lasting influence for good on the people within his jurisdiction. He was not only a great man intellectually, but he was great in the moral attributes necessary to the perfection of the judicial character. I can remember, as a child, with what veneration I heard older persons speak of this learned, pure judge and good man. The highest evidence of his independence, integrity, self-poise, and courage is to be found in his conduct in the celebrated case of the National Bank against Steinbergen and others, which involved an amount of money largely over half a million of dollars: On Saturday he decided the case in favor of the plaintiff. On the following Monday morning he came into court and announced from the bench that he had erred in his conclusions on Saturday and proceeded to reverse his former decision.

If it be true—and it is true—that the good that men do lives after them, then is the influence of Judge Smith immortal. The impress of his noble character was left upon the generation of his day and has been, and will be, "transmitted to succeeding generations as long as these people exist."

Judge Daniel Smith died on the 8th day of November, 1850, and on the 6th of December following Judge Green B. Samuels was elected by the legislature to fill the vacancy thus



created on the bench of the General Court. As a member of that court he also succeeded Judge Smith as judge of the Superior Court of Law and Chancery for Rockingham County, in which position he continued until, by operation of the constitution of 1850-51, the General Court was abolished and our present system of Circuit Courts substituted therefor.

Upon the adoption of the constitution of 1850-51 our present Supreme Court of Appeals was established, the judges of which are elected by the legislature. At the first election by the legislature of this court Judge Samuels was elected one of the five, the others being Judges John J. Allen, William Daniel, Richard C. L. Moncure, and George H. Lee. Judge Samuels was a native of Shenandoah County. He was an able and accomplished lawyer, a pure, learned, and distinguished judge.

The constitution of 1850-51 provided that the legislature should apportion the counties of the State into circuits. Rockingham was put into a circuit composed of the counties of Highland, Pendleton, Hardy, Shenandoah, Page and Rockingham. The first judge elected by the people of this circuit was John Kenney. He was elected in 1852 for the constitutional term of eight years and retired from office upon the expiration of his term. Judge Kenney was born on Middle River in Augusta County, and came to Rockingham when quite a young member of the bar. He spent the remainder of his life among the people of Rockingham. He was a man of fine natural intellect, a hard-working, painstaking, conscientious lawyer, a profound and upright judge. A purer man in his social, professional, and official life did not in his day adorn the Virginia bar or bench.

Judge Kenney was succeeded in 1860 by J. W. F. Allen, of Hardy County, who was the second judge elected by the people of this circuit. He was a brilliant lawyer and an able judge. He presided on the bench of this circuit until the year 1865, when, as a result of the civil war, Hardy County was embraced in the State of West Virginia, and as Judge Allen ceased to be a citizen of Virginia, the office of circuit judge of the 12th Judicial Circuit became vacant.

The first term of the Circuit Court after the civil war was held by Judge Richard Parker, of Winchester. He was the judge of the 13th Judicial Circuit and was assigned to hold this court during the vacancy in the office of the judge of this

circuit. He held the term of the court beginning on the 11th day of September, 1865. (He was the judge who presided at the trial of John Brown in 1859 at Charles Town, in Jefferson County, now West Virginia.)

The next term of the Circuit Court was held by John T. Harris. He was elected judge of this circuit by the legislature at its session of 1865-66, upon the nomination of the Governor. Judge Harris was chosen to fill this important office at a peculiar period in the history of our State. It was less than a year after the disastrous ending of the civil war, when our political conditions were unsettled, when the people were in a state of great mental excitement and uncertainty and distress—a time which demanded able, wise, and conservative men to fill the most important public positions and places of public trust. Judge Harris discharged the onerous and exacting duties of this high and responsible office with marked ability, which has distinguished him in the many public positions which he has filled among the people by whom he has been so often honored. Judge Harris held this office until March, 1869, when he was retired under the operations of the Reconstruction Acts of Congress.

He was succeeded by Thomas S. Hargest, who was appointed by General George Stoneman, commanding the First Military District, under whose orders the State of Virginia had been placed, then under military rule by force of the Reconstruction Act. Judge Hargest was a young lawyer who had then recently located at Winchester. During the short period he presided as circuit judge he made a favorable impression upon the bar and suitors by his courteous, modest demeanor and his fair and just rulings and decisions. He is at present living in Harrisburg, Pennsylvania.

Our present constitution, the result of the state convention of 1867, was ratified by the people at a general election held in July, 1869. Under this constitution the circuit judges are elected by the legislature. The first circuit judge elected under this constitution for the circuit of which Rockingham formed a part was Robert H. Turner, of Warren County. The circuit then comprised the counties of Rockingham, Shenandoah, Page, Frederick, Warren and Clarke. The first term at which Judge Turner held the circuit court of Rock-

ingham commenced on the 11th day of May, 1870. He continued as the circuit judge of this circuit until 1875, when the circuit was divided, Rockingham, Shenandoah, and Page counties forming the 18th Judicial Circuit. By reason of this division Judge Turner was left as judge of a circuit composed of the counties of Frederick, Clarke, and Warren, of which he continued as Judge until 1894. He is now living at his beautiful home near Front Royal, Virginia, enjoying that happiness which comes to a faithful public servant from long years of duty ably, honestly, and faithfully done; admired and loved by all who know him and by all who can appreciate an able, upright judge, a pure, good, and noble man.

The successor of Judge Turner in the new circuit composed of Rockingham, Shenandoah, and Page counties, was Mark Bird, of Shenandoah County. He was judge of this circuit until his death in the year 188—. He was a judge of whom all men who knew him will say that the sod that rests upon his grave covers the dust of a man who honored the office he filled and adorned all the walks of his public and private life.

Judge Bird was succeeded by J. G. Newman, of Page County, who continued in office until the circuit was abolished. Judge Newman's administration was marked by ability and dignity and by striking courtesy toward the members of the bar. He retired from the bench enjoying the confidence and esteem alike of litigants and of the legal profession. He resides at Luray, Va. He has an extensive practice and his reputation as a lawyer steadily grows with the passing of the years.

By an act of the legislature passed January 31st, 1884, the circuit composed of the counties of Rockingham, Shenandoah, and Page was abolished. Shenandoah and Page, together with the counties of Frederick, Clarke, and Warren, were formed into a circuit, and Rockingham was put into a circuit composed of the counties of Augusta, Rockbridge, Alleghany, Bath, Highland, and Rockingham. Since this new formation of this circuit the circuit court of Rockingham has been presided over by the present circuit judge, the Hon. William McLaughlin, whose natural ability, extensive learning, and great industry have placed him among the foremost jurists of Virginia. A record of twenty-seven years of judi-

cial service bears testimony to the esteem in which he is held by the good people of this Commonwealth.

## THE CLERKS OF THE SUPERIOR COURT OF LAW AND CHANCERY AND OF THE CIRCUIT COURT

The Circuit Superior Court of Law and Chancery was established for Rockingham County, as we have seen, on Monday, the 24th day of April, 1809. Henry Jewett Gambill was appointed the first clerk of this court. He held the office until his death in 1847 and was succeeded by Erasmus Coffman. He held the office until 1852 when, under the operation of the constitution of 1851, an election to fill the office by the people was held and Arthur St. C. Sprinkle was elected. He held the office until March, 1869, when he was succeeded by A. L. Lindsay, who was appointed by military order under the Reconstruction Act. Mr. Lindsay held the office until March, 1870, when Captain F. A. Daingerfield, now living near Lexington, Ky., was appointed clerk by Judge Robert H. Turner and held the office until 1872. He was succeeded by L. W. Gambill, who remained in office until 1875, when J. H. Shue was elected by the people to succeed him. Mr. Shue held the office until his death in 1883, when A. N. Black was appointed his successor by Judge J. G. Newman and held the office until 1887. At the general election held that year Col. D. H. Lee Martz was elected and he has held the office by successive elections ever since.

## THE CLERKS OF THE COUNTY COURT

Now, going back to the organization of the county court in April 1778, we find the list of the clerks of that court to be as follows:

As we have seen, the first clerk of the county court, appointed in 1778, was Peter Hog. He held the office until his death in February, 1782. On the 18th of that month the court met and appointed Thomas Lewis temporary clerk; and on the 25th of the same month the court met again and elected Henry Ewin permanent clerk. The clerk's tenure of office was for life or during good behavior. Henry Ewin continued in office until July, 1792, when he was succeeded by Samuel McWilliams, who remained in office until his death in Feb-



ruary, 1817. He was succeeded by Henry Jewett Gambill on February 17th, 1817. He had at that time been clerk of the Circuit Superior Court of Law and Chancery since the establishment of that court in 1809. Mr. Gambill held the office until his death in 1847. Erasmus Coffman was appointed as Mr. Gambill's successor and held the office until 1852, when the first election for a clerk by the people was held under the constitution of 1851. At that election L. W. Gambill was elected clerk. He held the office by successive elections until January 7th, 1869, when, under the Reconstruction Act, R. A. Gray was appointed by military order to succeed him. Mr. Gray held the office until March, 1870, when he was succeeded by Arthur St. C. Sprinkle, who was appointed temporary clerk by Judge James Kenney of the new county court. Mr. Sprinkle remained in office until his successor, William McK. Wartman, was elected by the people in November, 1870. Mr. Wartman held the office until his death in 1872. He was succeeded by Joseph T. Logan, who, by successive elections, held the office until his death in 1885, when he was succeeded by Joseph S. Messerley, the present efficient incumbent who, by successive elections, has held the office from that time to the present.

#### ATTORNEYS FOR THE COMMONWEALTH

There is another most important class of officers connected with our courts who form a conspicuous part of their history; namely, the attorneys for the commonwealth.

The first attorney for the commonwealth, or deputy attorney for the commonwealth, as they were then styled, was Gabriel Jones, who was appointed April 27th, 1778, and who, so far as the records show, was for a number of years the only resident lawyer in Rockingham County. He lived on the Shenandoah River below where Port Republic now is, and the road he travelled from his home to the county-seat took the name of "the lawyer's road" in recognition of that fact. From Kercheval's History of the Valley we learn that one Gabriel Jones, was appointed clerk of the county court of Hampshire County, in December, 1757. They were most probably one and the same man. He was, in January, 1788, elected by the General Assembly of Virginia one of the judges

of the General Court, but "declined accepting." (See 2 Va. Cases, "Brief Sketch," page XI.)

His election to this important judicial office by the General Assembly of Virginia shows him to have been a lawyer of ability, as the men elected at that period to fill that bench were among the foremost in the legal profession. Mr. Jones seems from the criminal records of the county court to have been not only a successful prosecutor, but a patriotic official. Among other prosecutions, we find one against one Anthony Courtner, whom he caused the grand jury to indict for being "a person of evil fame and of a turbulent disposition" for that he "maliciously and advisedly did endeavor the good people to take up arms and resist the government thereof as by law established in this Commonwealth." Upon his trial this man was found "guilty" by a jury and his punishment was assessed at a fine of ten pounds and imprisonment for one year. But the court, deeming the punishment excessive, entered the following order:

"The Court considering the evidence on the trial of Anthony Courtner on indictment and the circumstances of his family, are of opinion that the verdict of the jury is rather severe as to the time of his imprisonment and recommend him to his Excellency, the Governor, as a fit object of mercy to remit six months thereof."

Another indictment was against one Francis McBride, who was charged with "declaring that the country was lost and that he wished success to King George the Third, and that Washington did nothing." He also was tried by a jury and convicted and sentenced to pay a fine of two hundred and fifty pounds and to be imprisoned for four days.

There are also a considerable number of similar indictments, in one of which the culprit is charged with "drinking the health of King George the Third."

Mr. Jones resigned the office of deputy attorney for the Commonwealth in 1793 and David Holmes was shortly thereafter appointed his successor and held the office until 1797, when he resigned. His successor was James Allen, who was appointed in 1797 and resigned in February, 1804. In June, 1811, he was appointed one of the judges of the General Court. His successor in the office of attorney for the Commonwealth was Daniel Smith, who was appointed in 1804 and resigned on the 18th day of April, 1811, to go on the bench of the Gen-



eral Court, to which he was appointed on the 10th day of April, 1811. (See 2 Va. Cases, "Brief Sketch," page XII.)

The successor of Daniel Smith was Robert Gray, who held the office for both the county and the circuit courts until October, 1847, when he resigned. Herring Chrisman, then a prominent young member of the Rockingham bar, and who for many years last past has been among the leading lawyers of the State of Iowa, and whose home is at Mapleton in that State, was appointed as the successor of Mr. Gray in the county court, and John Kenney was appointed as Mr. Gray's successor as deputy attorney in the circuit court. Mr. Kenney was also appointed attorney for the Commonwealth in the other counties in the circuit, and held the office until his election as circuit judge in 1852. Mr. Chrisman held the office of commonwealth's attorney for the county court until it became elective by the people under the constitution of 1851. At the first election under this new constitution in May, 1852, John T. Harris was elected commonwealth's attorney for both the circuit and county court, as the law then was and is now. He was re-elected in 1856 and held the office until 1859, a period of seven years, when he resigned, having been in that year elected a member of the Congress of the United States.

Mr. Harris was succeeded by Thomas L. Yancey, who held the office until his death in 1862. This lamented gentleman was at the time of his death in the Confederate army, being captain of Company I, First Regiment Virginia Cavalry. There was but little for a commonwealth's attorney to do during the period from 1861-65, as nearly all government in this county was then under military rule, and the criminal laws received but little attention from the civil courts. John C. Woodson was appointed to fill the office after Mr. Yancey's death and held it until July, 1865.

In July, 1865, William H. Effinger, who has been for many years since a prominent and distinguished lawyer of the Oregon bar, residing in the City of Portland in that State, was elected commonwealth's attorney. He held the office until March, 1869, when he was succeeded by Charles H. Lewis, who was appointed by military order under the Reconstruction Act and held the office until April, 1870. Mr. Lewis was afterwards appointed and served as United States Minister to Portugal.

When Judge James Kenney came on the bench of the new county court in April, 1870, he appointed to this office that distinguished member of the bar, J. N. Liggett, Esq., whose power of investigation and whose eloquence as an advocate have placed him in the front rank of Virginia lawyers. Mr. Liggett filled the office until January, 1871, when he was followed by John Paul, who had been elected by the people at the general election for county officers held in November, 1870. He, by successive elections, held the office until the 18th day of October, 1877, when he resigned. George G. Grattan was appointed his successor. Captain Grattan held the office until 1881, when at the election held in May of that year Charles D. Harrison was elected commonwealth's attorney and he, by successive elections, has been continued in the office and is the present popular and efficient incumbent.

#### THE MEMBERS OF THE BAR OF ROCKINGHAM

There is one other class of men that are not to be forgotten in connection with the courts of Rockingham. These are the attorneys who have adorned her bar. At this distance from the early days of the Rockingham bar and with but the meagre data at command, it is impossible to give a full and accurate list of the lawyers of the past who practiced in our courts, and who deserve honorable mention. This is to be the more regretted because there are no men in any of the callings of life, if we except the clergy, who exert a more potential influence for good on society than the members of the legal profession. They are the men who in every community mould and shape public opinion in its political, moral, and social bearings. If you will show me anywhere in this State a bar that has been marked by the high tone, honor, and integrity of its members, I will show you a community likewise high toned, honest, and moral.

Among the lawyers who practiced in the courts of Rockingham County in the early part of this century were such distinguished men as Blackburn, Coalter, James Allen, and Chapman Johnson; men not only of State, but of national reputation. We have already spoken of James Allen and Daniel Smith. A worthy contemporary of these distinguished lawyers, at the commencement of his professional career, was

Robert Gray. He was one of the most distinguished and perhaps the wealthiest lawyer ever residing in Rockingham County. He was the son of Robert Gray, a merchant for many years of Winchester. He was educated at Princeton College and commenced practicing law at Louisville, Kentucky. He came to Harrisonburg in 1805, and was appointed commonwealth's attorney by the county court in 1811, and by the Circuit Superior Court of Law and Chancery in 1815. He also held the same office for the counties of Pendleton, Shenandoah, and Hardy. He was an able prosecutor and one of the most forcible speakers ever at the Rockingham bar.

Another prominent member of this bar from 1830 to 1840 was Isaac Pennybacker. He was born at Pine Forge, Shenandoah County, in 1805. He came to the bar about the year 1826. In 1840 he was appointed United States District Judge. He was commissioned as "Judge of the United States for the District West of the Alleghany Mountains in the State of Virginia." This commission is signed by M. Van Buren, then President of the United States, and is dated February 17th, 1840. In 1845 he was elected a Senator of the United States from Virginia. The certificate of his election as United States Senator is dated November 3d, 1845, and is signed by James McDowell, then Governor of Virginia. Judge Pennybacker died in January, 1847, at the age of 42. He had received but a common school education, and when we consider his success in life we must conclude that he was a man of great natural ability and of indomitable energy.

Later on among the prominent lawyers from other counties were Green B. Samuels and Joseph H. Samuels, of the Woodstock bar, John B. Baldwin, Thomas J. Michie, David Fultz, A. H. H. Stuart, and Hugh W. Sheffey of the Staunton bar. These gentlemen practiced in the circuit court and at the quarterly terms of the county court.

Prominent among the resident members of the Harrisonburg bar, from 1840 to the commencement of the civil war, were Allen C. Bryan, a lawyer of great industry, of distinguished ability, and who left a reputation not only as a lawyer, but for honesty, integrity, and purity of character that in his life won and held the confidence and esteem of all the people among whom he so long lived. A. S. Gray and C. D. Gray were well equipped lawyers and influential men. They had gained prominent positions at the bar, but in the early fifties

both retired from the practice of the law to engage in agricultural pursuits. John C. Woodson was another leader at the bar. His great industry and energy, combined with a mind of remarkable analytical power, together with a capacity for patient investigation that never tired, gained for him a position rivalled by few of his contemporaries and surpassed by no lawyer who has succeeded him.

Other members of the bar just prior to the late civil war were J. N. Liggett, James Kenney, and John T. Harris, of whom mention has already been made. Thomas L. Yancey has also been mentioned in the list of commonwealth attorneys. In addition it should be said of him that he was well grounded in the principles of the law, a forcible and attractive speaker; had he lived, distinction awaited him in his profession. His brother, Chas. A. Yancey, so well and favorably remembered by our people not only as a prominent lawyer, but as one of the foremost citizens in the town and county in all matters of public interest, had just commenced the study of his profession. B. G. Patterson, one of our present representatives in the legislature, had but recently come to the bar. E. T. H. Warren had a high standing in the legal profession. He fell, a colonel in the Confederate army, in the battle of the Wilderness and was followed to the grave by the admiration of all who knew him. E. A. Shands was another member of the Rockingham bar prominent in his profession and in business affairs. He was captain of a company of cavalry in the Confederate army and lost his life near Elkton in this county.

The members of the Rockingham bar of recent years are so well remembered as not to require special mention.

Mr. Chairman, In an imperfect way, as I am too well aware, I have performed the duty assigned me.

## PEOPLE OF ROCKINGHAM

I have given you a brief and imperfect review of the men who laid the foundations of your courts of justice, and of those who have administered them from their organization to the present. I have been able to give you but a dim outline of the history of some of them. I have endeavored to convey to you some idea of their characters, of their intelligence, their sense of right and of duty; their justice and their charity. The men



whom we have been endeavoring to call up in review today, the justices composing the old county court; the clerks who faithfully kept the records of their proceedings; the commonwealth's attorneys, the guardians of the peace and good order of society; the lawyers who ministered at the altar of justice, these are the men who have moulded the character of our people in the past and whose virtues have been transmitted to the present generation, and are embedded in its character. Their memories, their good names and their deeds are to us and our children a priceless and princely heritage, high examples to be imitated and followed by us and those to come after us.

Sons and daughters of Rockingham—We stand today upon an eminence from which we look down a vista of one hundred and nineteen years, into a valley where our grandfathers and our grandmothers, our fathers and our mothers and their children have dwelt. We see far at the foundation of our county a population of eight thousand people scattered over the wide extent of territory embraced in the original boundaries of Rockingham, living under the hard conditions of frontier life. We see the gradual displacement of the cabins and log houses of the first settlers, and their places taken by comfortable homes, made pleasant with all the modern conveniences and the appliances which inventive genius and a spirit of progress have brought to our doors. Where our fathers—and many of us in childhood—once trudged in the winter months for miles along dim riding paths and straggling roads, through forests and thinly scattered fields, to the little log school house in which we received the first rudiments of learning, now comfortable and commodious buildings for the education of our children beautify the same hilltops or adorn some grove in every neighborhood, and the little children come down broad smooth highways to enter their welcoming doors. Where, when we commenced our story today, thick forests stood, are flourishing villages, and the spires of God's temples are seen from afar.

Within the boundaries of Rockingham County today are thirty-five thousand people, over whom our courts have jurisdiction, and whose rights and interests of person and property are in their keeping to be guarded and protected. May those who shall preside in this temple of justice, the foundations of which we have here laid and which we today

dedicate, always realize that "justice is the common concern of mankind." That all, ALL, the rich and the poor, the strong and the weak, the prosperous and the failing, the high and the low, the well-to-do in comfortable homes and the paupers, if any there be, in their hovels, are all equally entitled to the protection of the laws, and to their fair, honest, fearless, just administration. And may it ever be said of them that they judged in honor and truth, and that their judgments were ever guided by the spirit of righteousness and founded in justice.

#### FIFTY-SIX ROCKINGHAM AND AUGUSTA CITIZENS OF 1795

Following is a copy, from the original yellowed manuscript, of a petition that was presented to the Rockingham County Court in 1795 or earlier. Fifty-one names are signed to it. These are of men, some of them prominent in civil and military affairs, who lived in the region of Mt. Solon and Mossy Creek in Augusta County, and in the northwest part of Rockingham, particularly around the site of Spring Creek and the area between Mt. Clinton and Harrisonburg.

To the Worshipfull Court of Rockingham County:

Your Petitioners beg leave to represent to your Worships that the Public Way past Henry Millers Iron Works to Rockingham as far as Henry Ewings saw Mill is conducted so unskillfully as to produce great inconveniences to the public At large & to also to individuals through whose land it Passes—That the present fording place of the River is much deeper than One might be had that some part of the road is very Miry & Other parts Steep & Rocky—Your Petitioners Are of Opinion that a Way May be had Much Nearer, accross a better ford and over better Ground than the present which would not be prejudicial to private property Your Petitioners therefore pray that disinterested Viewers May be appointed to Make report as to ye premises & your petitioners as in duty bound will pray &c

Robert Davies  
Silas Hart  
elias vickers

Adam Flowers  
John Sheridan  
William Vikers



Thomas Rumburg	Edard Wealdon
Jacob Harshbarger	Thomas McDowell
Henry Black	John McDowell
John Black	Alexr. Malcom
Joseph Dunlap	Jno. Malcom
John Russell (?)	Thom King
Thos. Fulton	John McDougall
	John Davies

(The foregoing names are thus arranged at the bottom of the petition—first page. On the upper half of the back of the same sheet are the following names, in two columns, as shown herewith.)

John T. Secton (?)	William King
Uriah Gartin	Fredrick Michael
Wm. Stockerd	Wm. Stephenson
Christian Sewmaker	John Stephenson
John Percy	Matthew Rolston
Christian Poag (?)	petter Dagegey
Asa Weeb	Jacob Daggey
Robert law	Ed'd Irvine
James Corry	Edwd Ewin Snr.
John Wooddell	William Ralston
Jno. Waddell	Samuel Rolston
Andrew Bogan	James Ralston
John Killemon	John Curry
Richd Pocke (?)	James Riggs
William Feres	
Ralph Loftus	

At the bottom of the second page is the following notation, with three names appended:

James Quin) It is my Opinion that the Court did not at the time Mr. Hugh Devier was Appointed a Viewer of the within Road Consider that he was much Interested in where the sd. Road was to Run and Cross the North River—

At the Same time not disputing but Mr. Devier is a Very honest man—

William Blain  
Robert Dunlap  
John blain

Silas Hart was one of the original magistrates of Rock-

ingham County, and for a short time served as the first sheriff. He had been sheriff of Augusta prior to the formation of Rockingham County in 1778. He died in 1795. This fact enables us to fix the date of the above petition in 1795 or earlier. In 1788 Uriah Gartin was captain of militia company No. 3 in Rockingham, and Andrew Bogan and John Black were members of his company. Ralph Loftus, or one of the same name, was a captain of Rockingham militia in the War of 1812. In 1789 Ralph Loftus was a commissioner in the county—probably what we now would call a commissioner of the revenue.

Henry Miller's Iron Works were on Mossy Creek, in the lower edge of Augusta County, four miles southwest of Bridgewater. The location of Henry Ewing's sawmill has not been ascertained. Henry Ewing was clerk of Rockingham County from 1782 to 1792, and lived about two miles northwest of Harrisonburg. At his home there was hardly sufficient water-power to run a sawmill. Some members of the family are of the opinion that the sawmill was on Linville Creek, where the Ewings had a tanyard.

The Davieses, Fultons, and others lived near the Iron Works—some others doubtless farther west and southwest; the Rolstons, as well as the Ewings, lived northwest of Harrisonburg. It seems probable that the road in question came down by the sites of Bridgewater and Dayton, inasmuch as none of the signers appear to have lived in those neighborhoods, and that the petitioners wanted the road located farther west.

#### HARRISONBURG HOUSE OWNERS IN 1798

From an old manuscript record made by the town council of Harrisonburg on Monday, August 6, 1798, we can learn the names and somewhat of the financial standing of the householders in Harrisonburg of that date. This list of names will be of interest to many persons at the present time, inasmuch as numberless descendants are here in the city and county, while others are widely distributed in other states and countries.

The Harrisonburg town council in 1798 was made up of five men: Thomas Scott, S. McWilliams, Asher Waterman, John Koontz, and Frederick Spangler. Scott was president, Williams was clerk pro tem.

The manuscript referred to begins as follows: "Proceeded to levy a Tax on the Houses and Tithables in Said Town, a statement of which is as follows." Tithables were taxable persons. The houses were grouped in four classes. The levy on each tithable (taxable person) was 2 shillings and 4 pence; on a house of the first class, 8 shillings; on one of the second class, 6 shillings; on one of the third class, 4 shillings; and on one of the fourth class, 2 shillings.

Below the householders and most of the tithables are listed as they appear on the original roll, and in each case the number of tithables for whom the man listed was charged is indicated, with the classification of his house or houses, if he owned a house or houses.

Asher Waterman: 1 tithable; 1 house of the third class  
 H. J. Gambill: 1 tithable; no house  
 John Boyd: 2 tithables; no house  
 Bazle Ragan: 1 tithable; no house  
 David Spangler: 2 tithables; 1 house of the second class  
 Joseph Cravens: 1 tithable; no house  
 Edward McDonough: 1 tithable; 1 house of the third class  
 Robert Kyle Sr.: 1 tithable; no house  
 Jeremiah Kyle: 3 tithables; 1 house of the first class  
 John Graham: 1 tithable; 1 house of the first class; 1 of the second class; 2 of the third class; 2 of the fourth class  
 James Smith: 1 tithable; no house  
 Fleet Smith: 1 tithable; no house  
 Thos. Sullivan: 3 tithables; 1 house of the second class  
 James Coharn: 4 tithables; 1 house of the second class  
 Charles Rogers: 1 tithable; 1 house of the second class  
 Jeremiah Richey: 1 tithable; no house  
 Alexr. Graham: 2 tithables; 1 house of the second class; 1 of the third class  
 Andw. Shanklen: 1 tithable; 1 house of the first class  
 Phillip Woolf: 1 tithable; no house  
 John Somersale: 1 tithable; no house  
 John Rogers: 1 tithable; no house  
 Reubin Harrison: 2 tithables; 1 house of the first class  
 Charles Lofland: 1 tithable; no house  
 Alexander Wason: 1 tithable; 1 house of the third class  
 John Pence: 3 tithables; 1 house of the second class  
 Jonathan Shipman: 1 tithable; 1 house of the first class

Caleb Chandler: 1 tithable; no house  
 Samuel Chandler: 2 tithables; 1 house of the third class  
 John Givins Jr.: 2 tithables; 1 house of the third class  
 John Givins Sr.: 2 tithables; no house  
 Mason Hall: no tithables; 1 house of the third class, taxed at half rate. (Probably the Masonic Hall.)  
 Anthony Sowerbeer: 1 tithable; 2 houses of the third class  
 David Forquir: 1 tithable; no house  
 Frederick Spangler: 3 tithables; 1 house of the second class  
 Phillip Grimes: 1 tithable; no house  
 Jacob Wiant: 2 tithables; no house  
 William Ireland: 2 tithables; no house  
 John Pellen: 1 tithable; no house  
 Thomas Scott: 2 tithables; 1 house of the first class and 1 of the second class  
 Jacob Youst: 1 tithable; no house  
 Abraham Youst: 1 tithable; 1 house of the fourth class  
 Gordon McWilliams: 1 tithable; no house  
 Thomas Henon: 1 tithable; 1 house of the third class  
 Henry Burgess: 1 tithable; 1 house of the second class and 1 of the third class  
 James Craige: 1 tithable; no house  
 Henry Waghtell: 1 tithable; no house  
 Robert Travis: 1 tithable; no house  
 William Sprinkle: 1 tithable; 1 house of the fourth class  
 Philip Heft: 1 tithable; 1 house of the fourth class  
 Joseph Coconour: 2 tithables; 1 house of the second class  
 Michael Lindsay: 1 tithable; 1 house of the second class and 1 of the fourth class  
 James Kyle: 1 tithable; 1 house of the fourth class  
 John Messick: 2 tithables; no house  
 Charles Kyle: 1 tithable; 1 house of the third class  
 James Burgess: 1 tithable; no house  
 John Culp: 1 tithable; no house  
 George Sittes: 3 tithables; 1 house of the second class, 1 of the third class, and 1 of the fourth class  
 William Donaphin: 2 tithables; no house  
 Timothy Donaphin: 1 tithable; no house  
 Edward Brady: 1 tithable; 1 house of the fourth class  
 John Lauk: 1 tithable; no house  
 Jacob Neigh: 1 tithable; no house

Robert Rutherford: 2 tithables; 1 house of the third class  
 Archibald Rutherford: 4 tithables; 1 house of the second class

Henry Sprinkle: 2 tithables; 1 house of the fourth class  
 Andw. Sprinkle: 1 tithable; no house  
 Peter Sprinkle: 1 tithable; no house  
 John Koontz: 1 tithable; 1 house of the second class  
 John Hicks: 2 tithables; 1 house of the second class  
 Michael Cline: 2 tithables; 1 house of the third class  
 Michael Whiselman: 1 tithable; no house  
 Mark Newland: 2 tithables; 1 house of the second class  
 George Roland: 1 tithable; 1 house of the second class  
 John Grimes: 1 tithable; no house  
 John Kyle: 1 tithable; no house  
 John Turner: 1 tithable; 1 house of the third class  
 Samuel Gay: 1 tithable; 1 house of the second class  
 Samuel McWilliams: 1 tithable; 1 house of the third class  
 James Brown: 1 tithable; no house  
 John Walsh: 1 tithable; 1 house of the fourth class  
 Denis Lanahan: 2 tithables; 1 house of the first class  
 John Wheelberger: 1 tithable; 1 house of the third class  
 Hugh Tiffany: not taxed; 1 house of the fourth class  
 Thos. Harrison: not taxed; 1 house of the third class  
 John Lincoln: not taxed; 1 house of the second class  
 John Aldorpha: not taxed; 1 house of the second class  
 Ralph Loftus Admrs.: not taxed; 1 house of the third class and 2 houses of the fourth class  
 John Smith (Taylor): 1 tithable; 1 house of the third class  
 John Smith: not taxed; 1 house of the second class  
 Thos. Johnston: not taxed; 1 house of the second class  
 James Martin: not taxed; 1 house of the fourth class  
 Elizabeth Hair: not taxed; 1 house of the fourth class  
 William Herron: not taxed; 1 house of the third class and 1 house of the fourth class

From the foregoing it appears that in 1798 there were 117 tithables (taxable persons) living in Harrisonburg. The tithables were all probably white males above 16 years of age. Of these, 45 were house-owners in the town. Those persons listed but not taxed personally owned houses in the town but evidently did not live in the town. The names of all the listed persons are spelled herein as in the original record.

We shall not attempt to give information concerning all the persons named, but brief items relating to a few of them may be of interest. Asher Waterman, it is said, had been a surgeon in Washington's army in the Revolution. From records of the Harrisonburg Masonic Lodge it appears that he lived at or near Staunton in 1791 and the early part of 1792, and that he located in Harrisonburg at some time in 1792. In 1795 and later, as an old map shows, he owned 93,000 acres of land in the counties of Rockingham and Pendleton. H. J. Gambill, evidently a young man in 1798, was clerk of the Rockingham County Court from 1817 to 1847, and of the circuit court from 1809 to 1847.

John Graham, in 1798, was evidently the town's chief promoter—the owner of six houses. He at that time was 48 years old, and he lived until November 30, 1815. Many years later his granddaughter, Mrs. Maria Graham (Koontz) Carr, wrote instructively of the persons and houses in Harrisonburg between 1815 and 1830. Reuben Harrison, who in 1797 with his brother Robert had added 23½ acres to the town, was a son of Thomas Harrison, the town's founder. Robert had died unmarried in December, 1797. Thomas, listed in 1798 as the owner of a house of the third class in the town, though evidently not a resident therein, was also a son of the town-founder, who had died in 1785. Thomas Jr. died in 1800. Reuben, born 1754, was a soldier of the Revolution. He died August 15, 1840, and was buried in the old Methodist churchyard on the hill, now occupied by the Harrisonburg Church of the Brethren.

Archibald Rutherford was for some time one of the magistrates for Rockingham, and for a number of years between 1816 and 1826 represented the county in the Virginia House of Delegates. He was probably the "Col. Rutherford" named by Mrs. Carr as one of the Harrisonburg merchants. He died September 10, 1830, aged 58, and was buried near Reuben Harrison in the old Methodist churchyard. John Koontz, in 1797-98 and 1822-23, also represented Rockingham County in the Virginia House of Delegates. He spent his last years at Lacey Spring, where he built a large house, later occupied by Jacob Nicholas Lincoln, and carried on various lines of business.

Samuel Gay, it is said, like Asher Waterman, was a sur-



geon in the Revolution. In November, 1780, he was granted license to keep a tavern in Harrisonburg, and accordingly we may assume that he was one of the first residents of the town. Mr. William S. Fallis, one of the charter members of the Rockingham County Historical Society, is a descendant. Samuel McWilliams, who was the temporary clerk of the Harrisonburg town council in August, 1798, was at the same time and for many years clerk of the county court, serving in that capacity from 1792 to 1817.

Denis Lanahan, we are told by J. Houston Harrison ("Settlers by the Long Grey Trail," page 247), was an Irish stonemason, bricklayer, and contracting builder; erected many of the first houses in Harrisonburg and later in life kept a tavern in the town. John Lincoln, owner of a house but not a resident of the town, was a surveyor, a leader in the Linville Creek Baptist Church, and an extensive landowner. He and his brothers, Abraham, Isaac, Jacob, and Thomas, were sons of "Virginia John" Lincoln, who purchased land on Linville Creek in 1768. William Herring (Herron) was the first master of the Masonic Lodge in Harrisonburg in 1789 and was also probably the man of that name who was sheriff of the county in 1789 and 1805.

Counting the houses in Harrisonburg in 1798, as listed above, there were in all 71: 7 of the first class, 23 of the second class, 24 of the third class, and 17 of the fourth class. Some of those houses were built of stone, a few were frame structures, and most, in all probability, were log houses, some of which were weatherboarded sooner or later. Various sources of information enable us to determine the locations and character of some of those houses.

Asher Waterman's house, built soon after he located in Harrisonburg, is a small stone structure. It stands near the southwest corner of the public square, but it is not recognizable at present because it was some years ago enlarged and remodeled. The dwelling of Thomas Scott, which Mrs. Carr says Mr. Scott built, was a rather large stone house. It stood on the south corner of north Main Street and East Elizabeth, the site now occupied by the Charles Store. It was razed in 1928 or 1929 to make way for the present building.

John Graham's dwelling, his house of the first class, was also of stone and stood a short distance southwest from the

house of Thomas Scott, on the same side of Main Street. "It was," says Mrs. Carr, "at least 50 feet from Mr. Scott's, who built his house soon after, and they were very much alike, only Mr. Scott's rooms were smaller." From this description it may be seen that the Graham house occupied exactly or nearly the location of the Joseph Ney & Sons store. The house of Reuben Harrison, taxed in class No. 1 in 1798, is believed to have been the stone house that stood until 1940 on the east corner of North Liberty Street and West Elizabeth, the site now occupied by the Firestone Tire Store. This house, in size and structure, was similar to those of Graham and Scott.

The Masonic Hall, a house of the third class, and taxed at half-rate, was a two-story log structure and stood on the southwest side of East Market Street, just southeast of Federal Alley. It was built in the winter of 1795-96. The site is now occupied by a three-story brick building on the main floor of which is the grocery store of W. D. Wilson & Company. Mrs. Carr speaks of the "large stone house built and occupied by Archibald Rutherford, replaced many years ago with a brick house owned by Mr. Stevens." From her description, the Rutherford house stood on the northwest side of the public square, on the northeast side of West Market Street, opposite the present Municipal Building. A large brick house, evidently the Stevens building, still remains on the Rutherford site.

It was altogether fitting for Denis Lanahan, the contractor and builder, to have one of the best houses in town—it was no doubt effective in promoting his business. Information concerning its specific character and location seems to be lacking. Mrs. Carr, however, has the following to say concerning the house of his nephew:

"The next house south of my grandfather's (John Graham's) was a long white frame, owned and occupied by Thomas Lanahan as a tavern. His Uncle Dennis came with him to Harrisonburg before I remember—they were Irish. Thomas had a large family—the eldest boy named William; Kittie was the oldest girl; John was a famous Methodist preacher. Mrs. Lanahan was a very nice woman; she was different from her husband, who was very morose. His uncle was found dead in bed one morning; he died of apoplexy.

One child was burned to death, trying to roast potatoes. A man stopping over night at Lanahan's Tavern fell out of the window into the street and was killed."

As already observed, Mrs. Carr's recollections date from the period following 1815. It is possible that Thomas Lanahan's tavern of that period, in which his uncle Dennis had lodging, may have been the house that was owned and occupied by Dennis in 1798.

It has not been possible to identify, in the list of 1798, the old stone house of Thomas Harrison Sr., which was probably built in 1755 or earlier, and which still remains on the northeast side of Bruce Street, near Black's Run. So far as records show, it was the only dwelling house standing within the 50 acres laid out for the town in 1780. It may be that it was the house for which Thomas Harrison Jr. was taxed in 1798.

In addition to the 71 dwelling houses, including the Masons' Hall, taxed in 1798, there were doubtless a number of stables and other buildings; and there were also two church buildings, one belonging to the Methodists, the other to the Presbyterians. These were the only churches in Harrisonburg for many years. The former (after 1807, at least) was a large frame building with a steeple, and in Mrs. Carr's girlhood it was painted white. It stood on the hill, on the east corner of West Water Street and South High Street, where the Church of the Brethren now stands. After it was abandoned it stood unused for some years, and was thrown down by mischievous boys on Sunday, November 19, 1865. At that time it was stated that the building had been erected in 1807. Accordingly, the one that stood on the same site in 1798 may have been of a different pattern.

The Presbyterian Church of 1798 (and later) was a stone structure, and stood on the northeast side of East Market Street, just northwest of Federal Alley. It remained until January, 1938. The site is now occupied by the Masters Building, which was erected in 1938. The Presbyterians erected other church buildings a number of years prior to the Civil War, and the old stone building on East Market Street was devoted to other purposes.

## BISHOP ASBURY IN HARRISONBURG

The following narrative relating to Bishop Francis Asbury in Harrisonburg is from Rev. Henry Smith's "RECOLLECTIONS AND REFLECTIONS OF AN OLD ITINERANT," published in New York in 1848.

(DEAR BROTHER, - I send you some sketches of my travels and labors in early times. I have thought they might be of some use to young preachers who complain of hard circuits, rough fare, and poor pay; but I may be mistaken.

Very respectfully yours,

HENRY SMITH.

Pilgrim's Rest, Baltimore county, Dec 6, 1840.)

In August, 1793, I was licensed to preach at Milburn's meeting-house, then called Frederick, now Winchester circuit, Virginia; P. Bruce, presiding elder; J. Wells, preacher in charge. Early in the fall I was requested by Mr. Bruce to take Berkley circuit for about six weeks, while my much-esteemed brother T. Lyell was absent on a visit to his friends. This was a great cross; but I went. Mr. Bruce pressed me to give myself wholly to the work. I hesitated! but, after a few weeks, made up my mind, and wrote to him, according to his request; and as I did not go to conference, he represented me in the Baltimore Annual Conference, held in Baltimore, October, 1793. Mr. Bruce was removed from the district, and Lemuel Green took his place; and the preachers I met could not tell whether I was received, or where my appointment was made. S. G. Roszel wrote to me some time in the winter, that Mr. Asbury had appointed me to Talbot circuit, Eastern Shore, Md. During this season of suspense, my mind was deeply exercised, but I was about setting off, when Mr. Green told me it was late, and now winter, and I had the bay to cross, &c., and he could employ me on Berkley circuit till spring. I attended a quarterly meeting at Hite's meeting-house, February 8, and from thence went into the work, under the direction of the presiding elder. Our last quarterly meeting was held at Payne's meeting-house, about the middle of May. Here the stewards offered me quarterage. I hesitated, but was urged to take it. As I still had a little money of my own, I doubted the propriety of receiving anything for my poor services. On this circuit I had many nursing fathers and

mothers, who were very kind to me—but they are all gone to rest. It would afford me some gratification to record their names. Notwithstanding my great weakness, I had some fruit of my labors, and many happy meetings with my affectionate friends, and was sorry to part with them, but willing to go anywhere. I stayed on the circuit a few weeks after the quarterly meeting, and then sat out, in company with several of the preachers, for conference; which began June 3d or 4th, at Harrisonburg, Rockingham county, Virginia. Here I first saw Bishop Asbury. He was very poorly, with a bad cold and sore throat, and hardly able to sit in conference. They sat in rather a small room, with closed doors. About fifteen or twenty preachers present. I could give nearly all their names from memory. J. Wells, T. Fleming, S. G. Roszel, and myself are the only four that are living, as far as I know.\*

When I was called into conference the young preachers were under examination. They were called up, one by one, and gave in their religious experience, and assigned some reasons why they thought they were called to the ministry; and the bishop asked them some questions on points of doctrine and discipline. He put some close questions to some, which alarmed me very much. I was the last that was called up. While I told my experience, &c., I trembled and wept; the sympathies of the preachers were waked up in my favor, and the good bishop himself appeared to be touched; for when I was done, he beckoned to me with his hand to sit down, and I was much relieved. And this was all the examination I ever passed through. At this conference we had a gracious work in the congregation, as well as love and harmony among the preachers. We had but few preachers, and little business. I was appointed to what was then called Clarksburg circuit, on the Monongahela, Virginia.

(The part quoted begins with the 7th page of said book, continues through the 8th and 9th pages, and very little way down from the top of page 10.)

\*Since the original publication of this letter, my much-loved brethren T. Fleming and S. G. Roszel have finished their work and are now reaping their reward.

### "PAY ROLL

Of Captain William McMahon's Company, of the One Hundred and Sixteenth Regiment, Rockingham, Third Division, attached to the command of Major Woodford, at Camp Mitchell; to the command of Major Scott, at Hampton, and to General Cocke's Brigade, and in the Service of the United States, from the 30th August 1814 to the 28th February 1815."

The officers of this Company were: William McMahon, capt.; Abram Bird, lt.; John Peebles, lt.; William Keezel, lt.; Henry Eymon, cor.; Cuthbert Spangler, cor.; John Blain, ser.; Joseph Spangler, ser.; James Blain, ser.; Jacob Lincoln, ser.; John Riddle, corp.; John Hollabee, corp.; Lansfield Johnson, corp.; David French, corp.; George Ireland, corp.; Jacob Crouse, corp.; John Bowyer, trumpeter; Peter Harry, saddler; and John Alstot (substitute for Geo. Keezel), wagoner. There is a notation showing that Riddle may be Ruddle.

The privates listed were:

Andrew Anderson	George Lineweaver
Hugh Brock	Gurdon Leeds
John Beard	John Lokey
William Beard	John Lary
William Bowers	T. P. R. Luster
Park Bailey	Thomas Lokey
(sub. for Gurdon Leeds)	John Martz
Daniel Crouse	John Minnick
John Caldwell	Reuben Moore
Robert Craig	James McCampbell
Elijah Dundore	Adam Neff
Joshua Evilsizer	Ben H. Owens
Grovan French	James Owens
Julius S. Foster	Michael O'Rork
Ben Groves	Philip Ollinger
(discharged)	Abram Phillips
William Gladden	Jacob Pickering
Christly Hawes	Jacob Robertson
Daniel Higgins	(sub. for Mat. Watson)
Daniel Harrison	Reuben Reeves
George Hamilton	Christley Swartz
Israel Hawse	Joseph Snider
John Hoy, or Hay	John Sites



William Higgins	John Swartz
John Jenkins	John Summers
David Kerlin, or Keslin	William Smith
George Keazel	Ben Talman
John Kimbrough	Henry Trout
John Kips	Jonathan Tutwiler
William Keazel	Geo. Wertenbaker
Michael Krim	Matthew Watson
Archibald Lokey	(dis., sub. J. Robertson)

### THE THREE OLD CHURCHES OF McGAHEYSVILLE

The first church, from tradition, was known as Snyder's Church, for Martin Schneider (Snyder), located near Harmon's Mill. This was on the western bank of the Harmon Mill, which site later became Maiden's Mill, then Bradburn's until it burned some 65 years since.

The land titles from deeds in possession for the first—the progression deed from Matthew Hamsen to Frederick Haines, 8th day of May, 1759—originally to Robert Green, August 20, 1740, then Jacob Harmon to Tewalt and Peter Harmon, the sons of Jacob Harmon—deed dated 1761 recorded in Augusta County. This deed—Tewalt Harmon to George Mallo, Elder of Peaked Mountain and Stony Creek churches.

The second church was a log structure and stood by the west side of the creek above one of the old land marks—the old Gilmore store that was built across the stream. A portion of the old foundation of the second church still stands in the rear of what is now Mrs. William Conn's home. There is little known of this old church and I prefer not to set the denomination, however, it would most likely have been Lutheran from the settlement in those days before the village got its present name.

This church formed a part of the later Peaked Mountain progression and was one of the first Stony Creek churches.

The historical tablet of Peaked Mountain church shows that the first church was built about 1762. That would be on the Harmon Mill site. The first or second dedication October 23, 1768.

The present church was built about 1800—Nicholas Leap

being head carpenter. This church was dedicated May 27, 1804. Tobias McGahey was trustee in its building—papers still in hand.

The first minister was Rev. I. C. Van Gemunden. He ministered to the congregation from 1762 to December, 1763. Died 1764.

The present Peaked Mountain church originally had a gallery all around the church and a high pulpit with winding stairs leading up to it. However, according to an old letter in the possession of Mrs. Griffith of Baltimore, dated March 24, 1861, it was decided to remodel this old church and make it like the Methodist church, by removing the gallery from one end, lowering the pulpit and making new benches.

Again this church was largely Lutheran, but was more of a community church with proper arrangements for colored attendants.

The elders of the Peaked Mountain and Stony Creek Church in 1769 were: George Mallo, Sr.; Nicholas Mittenberger; John Hedrick; Frederick Armentrout.

The Old Peaked Mountain cemetery still remains—the grave and marker of Jacob Kisling, who was present at the surrender of Cornwallis at Yorktown, and Barbara Bear Lingle Kisling, his wife, are still in place.

The Methodist church was first built in or about 1835, by A. J. O. Bader, and Tobias R. McGahey was instrumental in its financing; and in later years this church was rebuilt and enlarged. In this building program W. T. McGahey furnished the lumber as a contribution and worked the following subscription and A. J. O. Bader was again the builder.

As W. T. McGahey always said, "You can't do without churches."

To subscription—collected of:

Mrs. Mag J. Ergenbright	\$ 50.00
Cash of Mrs. Eliz. Stevens	5.00
Cash of Jno. S. Effinger	5.00
Cash of F. Pence	25.00
Cash of Samuel Elliott	10.00
Cash of Jacob Armentrout	5.00
Cash of Jacob Sellers	5.00
Cash of W. T. McGahey	25.00
Cash of Mrs. Mauzy	10.00

Cash of Mrs. Nicholas .....	10.00
Cash of Y. C. Ammon .....	5.00
Cash of Henry Harnsberger .....	5.00
Cash of Mrs. Winsbrough .....	5.00
Cash of B. F. Kemper .....	9.00
Cash of Samuel Vauters .....	5.00
Cash of R. H. Spindle .....	5.00
Cash of Mrs. Strayer .....	5.00
Cash of M. G. McGahey .....	2.50
Cash of Julia May .....	1.00
Cash of Jacob Burner .....	1.00
Cash of C. R. Rush .....	2.00
Cash of Henry Harnsberger .....	1.00
Cash of Wm. B. Carpenter .....	5.00
Cash of Albert Leap .....	1.00
Cash of Jos. Rush .....	1.00
Cash of R. Mauzy .....	10.00
Cash of Jno. Ammon .....	5.00
Cash of A. P. Nicholas .....	2.50
Cash of John Harnsberger .....	10.00
Cash of Newman Peale .....	10.00
Cash of Mrs. Yancey .....	5.00
Cash of Amos Scott by J. M. Eakin .....	2.50
Cash of J. M. Eakin .....	29.46
Cash of Hopkins, cash collected .....	4.50
Cash of Mathias Snyder .....	5.00
	<hr/>
	\$287.46

By paid Z. D. Gilmore .....	1.20
By paid Bader cash .....	50.00
By paid Sebastian Fultz for work .....	.37
By paid Labner Morris for work .....	2.00
By paid Labner Morris, for work .....	8.00
By paid Dixon, for work .....	32.78
By paid Peter Sellers, for work .....	32.72
By paid Labner Morris, Dyeing plank .....	12.75
By paid Henry Shipp for laths .....	27.00
By paid Gilmer, Balance Due on board .....	1.50
By paid Dixon balance on work .....	11.91
By paid Geo. Haynes for lime .....	8.00
By Mtge. furnished .....	70.95
	<hr/>
	\$259.18

The foregoing list is not dated, but from other sources the time can be fixed as 1872. A letter in possession of Mrs. Griffith, Baltimore, dated January 1, 1876: "We had a right nice time here Christmas—we had a Christmas tree for the Sunday School and an oyster supper and refreshments generally for to finish paying for our church."

C. R. McGahey

## FIRST INSTALMENT

## FROM THE

## FIRST MINUTE BOOK OF

## ROCKINGHAM COUNTY COURT

At the top of the page are two or three lines that are now illegible. Beginning with the first legible word, the following is a literal transcript, with capital letters, abbreviations, etc., as in the original. Dots indicate letters or words worn off; question marks, uncertainty on the part of the transcriber.

Be it remembered that on the XXVIJ Day of April Mdcclxxxviiij a Commission of the peace and a Commission of Oyer & Terminer under the hand of his Excellency Patrick Henry Esq. Governor in Chief, dated the xxjv Day of March MDccLxxxviiij directed to Silas Hart, Daniel Smith, Abraham Smith, John Gratten, Josiah Davison, John Skidmore George Boswell, Thomas Hewitt, John Thomas, William Nalle, Robert Davis, James Dyer, Henry Ewing, William McDowell, Anthony Ryder, John Fitzwater & Isaac Hinckle, Gent: Justices for the County of Rockingham being read, Daniel Smith & Abraham Smith having administer'd the Oath of a Justice of peace as prescribed by Act of Assembly also the Oath of a Justice of Oyer & Terminer to Silas Hart Gent. and then the said Silas Hart administered each of the said Oaths to Daniel Smith, Abram Smith, John Gratten, Josiah Davidson, George Bowell, Thomas Hewitt, John Thomas, James Dyer, Henry Ewing, William McDowell, Anthony Ryder, John Fitzwater & Isaac Hinckle, aforesaid, who were sworn in the Commission of the peace & Justices of Oyer accordingly.

A Commission under the hand of his Excellency Patrick Henry Esq. dated the xxjv of March MDccLxxxviiij directed to Silas Hart, Esq. to be Sheriff of the County of Rockingham being read, Daniel Smith & Abraham Smith Gent. administer'd the Oath prescribed by Act of Assembly to the said Silas Hart with Gabriel Jones & Robert Cravens Gent his Securities

having been entered into & executed Bonds accordingly to Law is sworn in Sheriff.

## COURT PROCLAIMED

At a Court held for Rockingham County the xxvij Day of April MDccLxxxviiij

present

Daniel Smith	James Dyer
Abraham Smith	Henry Ewing
John Gratten	William McDowell
Josiah Davidson	Anthony Ryder
George Boswell	John Fitzwater
Thomas Hewitt	Isaac Hinckle
John Thomas	

Gaven Hamilton took the Oath appointed by Law . . . said County.

Thomas Lewis Gent produced a Commission for Surveyor of the County from the pres & Masters of the College of Wm & Mary & having taken the Oath prescribed by Law he with Daniel Smith & Abraham Smith his Securities ent into Bond.

The Last Will & Testament of Hugh Diver deceased was proved by James Bell & John Bell two of the Witnesses thereto & William Dever the Ex'er therein named having taken the Oath & entd into Bond according to Law Certificate is granted him for obtaining probate.

Ordered that John Davis, Silas Hart, Hugh Douglass & John Magill or three of them appraise the sd Estate.

Administra of the Estate of William Magill deced'd is granted to James Magill & Thomas Fulton, & Margt McGill the Widow having relinquished her right to the Administra & the said James & Thomas having taken the Oath & ent into Bond according to Law.

Order'd that William Magill, Francis Erwine, Jno. Huston & William Snowden or any three do appraise the sd Estate.

Deeds of L. & Release from Rob Shanklen & Rebecca (his Wife she being first privily examined) to William Morris was acknowledged by the sd Rob & Rebecca & ord to be recorded.



Peter Hog was unanimously chosen & appointed clerk of the peace for said County.

Ordered that the Court be adjourned till tomorrow 8 o Clock.

(Signed) Abram Smith.

At a Court continued & held for Rockingham County 28th Day of April 1778

present

Daniel Smith	John Gratten
Abraham Smith	Isaac Hinckle
John Thomas	John Fitzwater

Adminisitra of the Estate of George Mcvey deceased is granted to James Mcvey his Bror he having ent into Bond according to Law.

Order'd that Jno. Herdman junr: John Hopkins, Eph . . . , Love & George Baxter or any three of them appraise the said Estate.

Administra of the Estate of Samuel Megart dec'd is granted to Catherine Megart his Widow she having complied with the Law.

Order'd that Jeremiah Beesly, William Nalle, Conrad Fudge & David Fudge or any three of them appraise the said Estate.

Administra of the Estate of Andrew Huling deced is granted to Catherine Huling his Widow & James Huling his Son they having complied wt the Law.

Order'd that William McDowel Gent, Thomas Moore, Aaron Hughs & Reuben Harrison or any three of them appraise the sd Estate.

present Thomas Hewitt, James Dyer Gent.

Order'd that the Sheriff summons 24 free holders as a grand Jury for this County.

William Bush, Jeremiah Beesly, Henry Brewster, George Huston, William Magill son of John, Elliot Rutherford, John Fulton junr, John Bryan junr: Reuben More, Mathias Lear junr: Joseph Custard, William Dever, Burton Blizard, Samuel Skidmore & Jacob Ellsworth are appointed as Constables in their respective Districts & order'd that they be sum . . . to appear before the next Justice of peace to be sworn into their Office immediately.

present Josiah Davidson Gent.

Order'd that Abraham Smith be recommended to the Gov & Councel as a fitt person for the Office of County Lieut. Daniel Smith as Collonel, Benjamin Harrison as Lieut Colonel & John Skidmore as Major.

John Gratten, John Thomas & Dan . . Smith Gent are appointed to the Office of Coroners within this County & order'd that the same be certified to the Governor.

Order'd that Gawen Hamilton, he being first sworn, run Devision Line between this County & Augusta as also the Length of the County from the said Line to Lord Fairfax's or run any other line by the Direction of Mr. Lewis the Surveyor to enable him to make out a plan of the County.

Order'd that Gawen Hamilton be recommended as a proper person to serve as Deputy Surveyor under Mr. Lewis if he is pleased to appoint him to that Office.

Gawen Hamilton is appointed a Captain of the Militia in this County, Joseph Smith Lieut. Jno Rice 2d Lieut . . . . Wm. Herring is appointed 2d Lieut & Joseph Dictam ensign in Capt. Robert Craven's Company.

Richd Reagan is appointed 2d Lieut. & Joseph Smith Ensign in Capt Daniel Smiths Compy:

Order'd that Daniel Smith Gent: receive of the Treas of this Commonwealth £12 & lay it out for the support of Bridget Fowler the distressed Wife of John Fowler a Soldier in the continental Army from this County.

Silas Hart Gent. conformable to a former Resolution entered into by the Gentlemen who were in the Commission of the peace for Augusta County that have now fallen unto Rockingham County towit that he & Daniel Smith Gent being the Senior Justices in the Commis'n of the peace for sd County relinquished their Claim to the Office of Sheriff for this County to the next Gent on the Commission who had served in the County of Augusta in Considera of their having enjoyed the Office so lately in Augusta County, declined serving any longer in the Office of Sheriff & requested the Court to recommend another person to serve in that Office whereupon it order'd that the following Gent towit Josiah Davidson, Jno. Skidmore & Geo Boswell Gent be recommended to the Governor for that Office.

The Court having taken into Consideration the properest place for holding of Courts untill the publick Buildings are

erected have unanimously resolved to hold Court at the house of Daniel Smith Gent: in the meantime untill the publick buildings are completed & the Sheriff is order'd to give Notice thereof to the Inhabitants of the County.

Ordered that Daniel Smith & Josiah Davidson Gent are empowered to contract with some person for building a square Log Jayl or prison 12 feet square, laid with square Logs above & below, 8 Inches thick at the least, with one Window & a Door made of Iron bars so as to suit the publick Jayl when built, with a good Lock & a Cabin Roof over the upper flour, to be fixed on the most convenient Spott of the sd Daniel Smiths plantation, and in the meantime that the Sheriff be empowered to hire a Guard to watch such prisoners as are taken into his Custody.

Order'd that the Court be adjourned to the Court in Course.

(Signed) Daniel Smith.

At a Court held for Rockingham County Monday the 25 May 1778.

present

Daniel Smith	Henry Ewing
Abraham Smith	William McDowell
Thomas Hewitt	

William Nalle Gent took the Oath of a Justice of peace & the Oath of a Justice in Cha also the Oath of a Justice of Oyer & terminer.

Present Wm: Nalle & Anto. Ryder

A Comisn. under the hand & Seal of the Govr. dat'd the 7th: May directed to Josiah Davidson Esq appointing him Sheriff of this County being read, and the said Davidson having taken Oaths appointed he with his Securities entd: into Bonds according to Law & was sworn in Sheriff.

Josiah Davidson enter'd into & executed a Bond with his Securities for the collection of the publick tax.

Administra of the Estate of Christian Miller is granted to Catherine Miller his Widow she having complied with the Law.

Orderd that Francis Kirtly, Jacob Bear, Jerem Beesly & Willm Nalle Gent or three of them do appraise the sd Estate.

Appraisemt: of Andrew Hulings Estate retd: & ord'd to be recorded.

Deeds of L. & Release from John Hare to Heronimus Tech was acknowledg'd & O: be recorded.

A grand Jury sworn towit Conrod Humble, Jno. Smith, Jeremiah Reagen, Walter Crow, Josiah Harrison, Jno Brown, Edward Shanklen, Wm. McGill, James McGill, Francis Erwin, Jacob Perky, Geo: Fisher, Leonard Miller, Jas Dunn, John Davis, Joseph Dictam, & John Miller who being impannel'd returned the following presentment towit we present Ann McC . . . for committing Fornication wi a Negroe by the Information of two ws (?).

Orderd that she be summond.

Deeds of L. & Release from Robert Gibson & Mary his Wife to Adam Sherman were proved by two of the Witnesses thereto & ord'd to lye for further proof.

Capt. Willm Nalle is recommended by the Court to his Excellency the Gov. as Major of the Militia in County, which is orderd to be certified, in room of Jno Skidmore resignd. (This paragraph is crossed out in the record.)

Dan Smith, Abram Smith, Thos. Hewitt, Henry Ewing, Wm. McDowell & Geo Boswell Gent took the Oath of a Justice in the County Court in Cha:

Geo Davis vs Hugh Wilson on Atta. sundry Good retd executed Judgmt according to Bill & attached Effects ord'd to be sold.

Present Jno Gratten, Jno. Thomas, Geo. Boswell, Anto Ryder.

Gabriel Jones Gent is appointed Depty Atto for the Commonwealth for this County with a Salary of £40 pr Annum.

Abram Smith Gent: produced a Comisn: from his Excellency the Govr appointing him County Lieut: & having taken the Oath appointd: by Law it is order'd to Certifd.

Daniel Smith Gent: Ditto as Colonel.

Benja: Harrison Gent as Lieut Collo.

Willm. Nalle Gent as Major.

Anto: Ryder, Gawin Hamilton, Thos. Hewitt, Thos. Baggs, Reuben Harrison & Danl: Smith jun: being appointed Captains of the Militia took the Oaths according to Law which is Order'd to be certified.

Joseph Smith, John Rice, & Nicholas Carn being appointd Lieutenants of the Militia took the Oaths according to Law, which is order'd to be certified.







vs Christler Case

Owens vs Rutherford T A B

Kesley vs Lauderbach Tresp

Marshall vs Custard Case

Woodley junr vs Warren Case

Fowler vs Campbell T: A: B:

Nickles Adm vs Dooley Debt

Waggoner vs Colton Case

Ruddell vs Johnson Case

vs same Case

Kerr vs Scott Case

Order'd that the necessary Process issue on the above Suits.

A Petition from the Justices in behalf of themselves & the other Inhabitants to the house of Delegates was read in Court & order'd to be certified.

Order'd that Henry Lung be Overseer of the Road from the big hill to the Line of Shanandoe County & that the usual Tithables work thereon.

Order'd that George Hutsman be Overseer of the Road from the big hill to Henry Millers & that the usual Tithables work thereon.

Order'd that Henry Miller be Overseer from his own house to the Top of the Mountain over Swift Run Gap & that the usual Tith. &c.

Ordered that Paul Ingle be Overseer of the Road, from the fork of the Road leading to Swift Run Gap to Casper Haines Shop & that the usual Tithables work thereon.

Order'd that Casper Haines be Overseer of the Road from his Shop to the Main Road leading from Staunton to Winchester & that the usual Tithables work thereon.

Order'd that Stephen Conrad be Overseer of the Road in the room of Frederick Haines & that the usual Tithables work thereon.

Order'd that John Frazier be Overseer of the Road from the Augusta Line to John Stephensons Run & that the usual Tithables work thereon.

Order'd that Jacob Perkie be Overseer of the Road from Stephensons Run to John Keslingers place, formerly Samples, & that the usual Tithables work thereon.

Order'd that David Harnett be Overseer of the Road from

John Keslingers formerly Samples to Zeb. Harrisons ford on Smith Creek & that the usual Tithables work thereon.

Order'd that John Philips be Overseer of the Road from Zebulon Harrisons ford to the Line of Shanandoe & that the usual Tithables work thereon.

Ordered that Jacob Woodley be Overseer of the Road from the fork on this Side of Sebastian Marts to Reuben Harrisons & that the usual Tithables work thereon.

Order'd that Jeremiah Harrison be Overseer of the Road from Reuben Harrisons to Danl. Smiths Gent; & that the usual Tithables work thereon.

Ordered that Jeremiah Reagen be Overseer of the Road from Danl. Smiths to the Run that comes from Geo Seawrights field & that the usual Tithables work thereon.

Order'd that Joseph Dictam be Overseer of the Road from the Run that comes from Geo Seawrights field to the Line of Augusta & that the usual Tithables work thereon.

Order'd that John Pence be Overseer of the Road from the ford of the River at Gabl Jone's to Felix Gilbert's & that the usual Tithables work thereon.

Order'd that Robt Elliot be Overseer of the Road from Felix Gilberts to Danl Smiths house & that the usual Tithables work thereon.

Order'd that Joseph Lear be appointed Overseer of the Road from Danl Smiths to the ford of Linvells Creek at Thos Brians & that the usual Tithables work thereon.

Order'd that Marten Gum be Overseer of the Road from the ford of Linvells Creek at Tom' Bryans to the fork of the Road on this side of Thomas's Mill & that the usual Tithables work thereon.

Order'd that John Ruddell be appointed Overseer of the Road from Chas Daillys (?) Ford to the upper Ford of Michael Baker & that the usual Tithables work thereon.

Order'd that Paul Gustard be Overseer of the Road from Michael Bakers upper ford to the County Line on Cacapon & that the usual Tithables work thereon.

Order'd that Marten Witsel be Overseer of the Road from the fork of the Cacapon Road to the top of the Mountain by Weatherholts & the Tithables above the sd fork of the road to the Mountain work thereon.

Leonard Herring took the Oath of Fidelity to the State as Vestryman elected for this parish.

William Herring being appointed a Lieut. of the Militia took the Oath according to Law which is order'd to be certified.

Ordd that John Bear be Overseer of the Road from Daillys ford down the River to the Line of Shanandoe County & that the usual Tithables work thereon.

Order'd that Andrew Andes be Overseer of the Road from Chas Daillys ford under the No. Mountain to the Line of Shanandoe & that the usual Tithables work thereon.

Order'd that Rees Thomas be overseer of the Road from Daillys ford to Thos Gordons & that the usual Tithables work thereon.

Order'd that Thomas Fulton be Overseer of the Road from Thos Gordons to the Line of Augusta & the usual Tithables work thereon.

Order'd that Thomas Bowen be Overseer of the Road from the fork of the Road above Thomas's Mill to the Pine Tree between Francis Greens & Thos: Campbells & that the usual Tithables work thereon.

Order'd that John Herdman be Overseer of the Road from the sd pine tree to Harrisons Mill Pond & that the usual Tithables work thereon.

Order'd that William Herring be Overseer of the Road from Harrison's Mill Pond to the forks of the road below Jno Fowlers & that the usual Tith: &c.

Ordered that Gawin Hamilton be Overseer of the Road from Rices Cabin in Dry River Gap to Benja: Harrisons & that the usual Tithables work thereon.

Whereas it is represented to this Court that Elizabeth pennirey Wife of Thomas Pennirey a Soldier in the Army of the United States has been lying a considerable Time in the small pox in a very distress'd Condition, Order'd that the Treasurer of this Commonwealth pay to Abram Smith Gent Twenty Pounds for the use & Support of the said Elizabeth pennirey.

Order'd that the Court be adjourned to the Court in Course.

(Signed) Daniel Smith

At a Court of Oyer & Terminer held for Rockingham County on the Tryal of Will a Negroe Man Slave belonging to George Keesel accused of feloniously murdering Hans

Cloverfield, Miller, of the said parish & County  
Present

Daniel Smith  
John Gratten  
John Thomas

Henry Ewing  
William McDowell

The said Slave Will being brought to the Barr & arraigned pleaded he was not guilty, Whereupon several Witnesses being examined touching the fact wherewith he stands charged, it appeared to the Court that the said Will gave a blow with a hogshead Stave which fractured the Scull of the said Hans Cloverfield & of which he died that Night, and therefore do judge him guilty of the murder with which he is charged and do accordingly Order the said Criminal to be hung by the Neck untill he is dead on Thursday the 18th Instant at the Courtho: of this County & that his head be severed from the dead Body & stuck up on a poll at the Cross road leading from this to Felix Gilberts, & his Body buried, and in the meantime that the said Criminal be kept in Irons well secured & a Guard of four men to keep Centinel over him untill he is executed and that the Sheriff do put the above Sentence in Execution And the Court do value the said Slave Will to two hundred and five pounds which is ordered to be certified to the next Session of Assembly & then the Court did rise.

(Signed) Daniel Smith.

At a Court held for Rockingham County the 22d June 1778  
present

Danl Smith  
George Boswell  
Thomas Hewitt

Henry Ewing  
William McDowell

William Cravens acknowld his Deed of Bargain & Sale to William McGill & a recpt thereon endorsed O to be recorded.

Deed of Bargain & Sale from Elisha Estes & Gabriel Long to Geo Boswell was proved by the Witnesses thereto & order'd to be recorded O for Dedimus to take privy Examna of Lucy Long wife of sd Gabriel Long.

Absent Geo Boswell, present John Gratten

On the Complaint of John Carthrae against Simon a Mulattoe Slave the property of George Boswell for a breach of the peace on several Witnesses being sworn & examined the Court are of the Opinion that the said Negroe Simon should



be committed to Jail unless he find Security to be bound in the Sum of five hundred pounds for his keeping the peace for a Year & a Day. Whereupon George Boswell acknowledged himself indebted to Patrick Henry Esq Govr & his Successors in Office in the Sum of Five hundred pounds of his Lands & Tenements Goods & Chattels to be levied & to the said Patrick Henry & his Successors rendered. Yet upon this Condition that if his Slave Simon shall keep the peace towards all the good people of this State & especially towards the said John Carthrae for a Year & a Day then this Recognizance to be void otherwise to remain in full force.

Deed of Bargain & Sale from Leonard Herring to his Brother Alex Herring, Wm Herring, Bethel Herring & Jesse Herring was acknowledged by said Leonard & O to be recorded.

present Jno Thomas & Jno Fitzwater

The Last Will & Testament of Alex Herring deceased was proved by the Witnesses thereto & O to be recorded whereupon Abigail Herring, Alex & Jesse Herring, the Exers therein named, having made Oath & entered into Bond according to Law Certificate is granted them for obtaining probate.

Order'd that Josiah Harrison, Jno. Smith son of Danl, John Herdman & Nehemiah Harrison or any three of them, being first sworn, do appraise the sd Estate.

Mcpike vs Hook John Frasier entd Spl Bail.

John Hopkens, Michl Cogger & James Frasier being appointed Captains of the Militia took the Oaths according to Law which is order'd to be certified.

Alexr. White vs Benson Joseph Rutherford junr Spl Bail.

Andrew McComb Admr vs Dooley Jas Frasier Spl Bail.

Peartree vs Knox Willm: Dunlop Spl Bail.

Smith vs White Jas Frasier Spl Bail.

Ordered that Willm: Nalle Gent take the List of Tithables in the Companies of Capt Cogger & Capt Frassier, George Boswell Gent in the Comp'ys of Capt Hewit & Capt Pence, Henry Ewing Gent in the Comp'ys of Capt Cravens, Capt Hamilton & Capt Hopkens, Jno Fitzwater Gent in the Comp'ys of Capt. Lincoln & Capt Baggs, Anto Rader Gent: in the Comp'ys of his own & Capt Harrison's, Danl Smith Gent in the Comp'y of Capt: Smith, Isaac Hinckle on the No. fork & So.

Branch, & James Dyer Gent. on the So. fork.

Daniel Smith junr vs Thomas Luton on Atta: Joseph Smith Ensign in Capt Cravens Comp'y being empowered to draw the pay of a Comp'y of Militia under sd Cravens drawn out in Service (?) being sworn as a Garnishee declares that he has in his hands 91 Days of sd Luton pay as a Soldier in the said Comp'y of Militia amounting to £6-1-4 & the pt having proved his Accot agt him for £ three (?) Jud is granted for that Sum & Costs & the Money condemned in Garnishees hands.

James Husman is exempted from paying County Levies on Accot of his Age & Infirmities O to be certified.

Ordered that John Davis, Benj Harrison, Reuben Harrison, Gawen Hamilton, Willm Herring & Michl Cogger be recommended to the Govr: & Council as proper persons to be added to the Commisn of the peace.

Will a Negroe Slave been under Sentence of Death confined in the County Jail having made his Escape the Sheriff is ordered to offer a reward of Sixty pounds for retaking him.

Deed of Bargain & Sale from Henry Null & Anne his Wife to Michael Rorer were acknowledged by the said Henry & Anne (she being first privately examined) together with a Rcep thereon indorsed & O be recorded.

Ordered that the Court be adjourned to the Court in Course.

(Signed) Daniel Smith

At a Court held for Rockingham County on Monday the 24th Day of August 1778

present

Danl Smith

Thomas Hewit

John Gratten

William McDowell

Anto: Reder

Isaac Hinckle

John Stephenson & Ester his Wife (she being first privately examined) acknowld their Deeds of L & Release to Andrew Hudlow which is order'd to be recorded.

The last Will & Testament of Jno Riffe (?) was produced in Court & proved by the Witnesses thereto & on the Motion of William Dunlop & Ann Riffe the Executors therein named who having complied with the Law certificate is granted them for obtaining probate.



Orderd that John Thomas, Francis Greer, John Bear & Mathiew Reder or any three of them being first sworn do appraise the sd Estate.

Deed of Surrender from Jacob Nicolas & Augustine Price to Jacob Archenbright acknowledged by sd Nicolas & price & order'd to be recorded.

George Rootes Gent took the Oath of an Attorney at Law which is ordered to be certified.

The Will of Thos Wilmot was produced in Court Ded order'd to issue to examine Geo Hanmer & Mary his Wife Wits thereto on the Mo of Thos: Son of the Decedent.

Administra of the Estate John Cravens deced is granted to Marge Cravens Widow & Robt: Cravens the Brother of the Intestate who , , , into Bond w Security & made Oath according to Law.

Order'd Joseph Dictam, John Smith, Nehemiah Harrison & William Lamb or any three of them being first sworn do appraise the sd Estate.

Reuben More took the Oath to the Commonwealth & the Oath of a Deputy Sheriff which is order'd to be certified.

Deed of Bargain & Sale from peter Vanemon & Elizabeth his Wife to Jacob Vanderoder was acknowledged by the said Peter & Elizabeth she being first privately examined.

Deeds of L & Release from John Davidson & Sarah his Wife was acknowledged by the sd John to Henry Black & order'd to be recorded O for Ded to examine Sarah his Wife.

Deeds of L & Release from Robt Hill & Sarah his Wife she being first privately examined to Jacob Keplinger was acknowledged by said Sarah & proved by the Oaths of the Witnesses as to Robt Hill and orderd to be recorded.

Deeds of L: & Release from Michl Lees & Ann his Wife to Andrew Hudlow was proved by three of the Wits: thereto & order'd to be record & the privy Examina of Ann returned & orderd to be recorded.

Samuel Hemphill acknowledged Deeds of L & Release to Robt: Cravens Ordd to be recorded.

The Last Will & Testament of Jost Hinckle deced was produced in Court & proved in Court by Joseph Cheveront one of the Witness's thereto & order for Deds. to examine philip Harper (?) the other Wits being aged & infirm.

The last Will & Testament of William Hopkens deced was produced in Court & proved by two of the Witnesses

thereto, Whereupon John Hopkens & John Hopkens junr the Exers therein named having made Oath & entd into Bond according to Law Certif is granted them &c.

Order'd that George Baxter, John Herdman junr:, John Shanklen & Tho Shanklen or any three of them being first sworn do appraise the said Estate.

present Geo Boswell

The last Will & Testament of John Fulton decd was proved by Jno Hopkens jun & James Brown two of the Witness's & order'd to be recorded, Whereupon Jesse Harrison & Jno Fulton the Exers therein named having entd into Bond & made Oath according to Law Certificate is granted them for obtaing probate.

Order'd that John Shanklen, Thos Shanklen, George Baxter & Thos Bowen or any three of them being first sworn do appraise the sd Estate.

Order'd that the Church wardens do bind James Wilson Orphan of Andrew Wilson to Tho Fulton to learn the Trade of a Cooper he being 2 Years old last Christmas.

Deeds of L & Release from Robt Denniston & Margt his Wife to James Denniston were acknowledged by the sd Robt & orderd to be recorded O for Ded to examine Magt his Wife.

Ord.d That ye Ch Wardens bind out Mary Spiker of the age of 13 yrs. to James Quin till she arrives to ye age of 18.

Ord.d they bind out Margaret Spiker of the age of 11 yrs. to John Smith till she come to ye. age of 18 year's.

Administra of the Estate of William Leman deced is granted to James Baird a Creditor of the Intestate he having complied with the Law.

Order'd that William Davidson, Wm: Campbell, Jacob Scott & Robt Scott or any three of them being first sworn do appraise the sd: Estate.

John Mehaffy is exempted from paying County Levies being aged & infirm.

Isaac Hinckle returned his List of Tithables.

Anto: Reader returned his List.

Geo Boswell returned his List, Wm Nalle returned his List.

present Wm Nall Gent

John Burk vs John Jackson Garnishee Andrew Shanklen sworn he is indebted to the Degt in £7,10 due by bond & the

further £4.12 or 13 due also by Bond & has heard that one of the sd Bonds is assigned to Joseph Hannah ply proved his Acco: for £9 (?), 11. Jud & so much Money condemned in Garnishees hands to satisfy the Debts & Costs.

Deeds of L & Release from William Campbell & Elizabeth his Wife to Marten Anthony was acknowledged by the sd William & O to be record O for Deds to examine Elizabeth the Wife.

Order'd that David Harnet be Overseer of the Road from John Kesling planta formerly Samples to Geo Hinton's planta & that the usual Tiths on that part of the Road work under him.

Order'd John Harrison be Overseer of the Road from Geo Hinton's to Zebl Harrison's ford over Smith Creek & that the usual Tiths on that part of the Road work under him.

Order'd that the Tithables on the South side of Cub Run within 2 Miles of the Run work on the Road of which John pence is Overseer.

Order'd that Ezekiel Harrison, Richd Reagen, Dan Smith Gent do view the Ground from the house of the sd Danl Smith to Seawrights Run & report the Convenience & Inconvenience attended the Alteration of the Road.

Administra of the Estate of John Cloverfield deced is granted to Felix Gilbert a Creditor of the sd: Intestate he having complied with the Law.

Order'd that Evan Evans, Windall Butt, Conrad Holeby & Richard Shanklen or any three of them being first sworn do appraise the sd Estate.

The last Will & Testament of Robt Belshee deced was produced into Court & proved by Jno Davidson one of the Witnesses & order'd to lye for further pr . . . & Spa to issue . . . Whereupon Rob Belshee one of the Exers therein named entd into Bond & made Oath according to Law certificate is granted him &c.

Josiah Davidson being appointed Collector of taxes in this County enterd into Bond with Security agreeable to the Act of Assembly passed last Session for the due Collection which is order'd to be recorded the former Bond entd into by the sd Davidson is orderd to be cancelled.

Deed of Bargain & Sale from Tunis Vanpelt to Jacob Lincoln was proved by the Witness' & order'd to be recorded.

Deed of Bargain & Sale from Josiah Davidson & Edith

his Wife to Soloman Mathews was acknowledged by the sd Josiah & order'd to be recorded, as also by the sd Edith she being privately examined.

Deed of Bargain & Sale from Henry Reburn to Casper Mefford was acknowledged by sd Reburn & order'd to be recorded.

The last Will & Testament of James Marshall decd was produced into Court & proved by the Witness thereto Whereupon Elizabeth Marshall & John Thomas the Exers therein named having entd into Bond & made Oath according to Law Certificate is granted them &c.

Order'd that Thomas Baggs, John Dunbar, Michl Baker & Jno Ruddle or any three of them being first sworn do appraise the sd Estate.

The Court in considering the Circumstances of Bridget Fowler Wife of Jno Fowler a Soldier in the Service of the united States do Order that John Hinton receive of the Treasurer of this Commonwealth the Sum of twenty pounds & lay it out as the necessity of the sd Bridget & her Children shall require.

Dep:ty Surveyors Comisn from the president & Masters of the College of William & Mary directed to Gawen Hamilton was produced in Court & the sd: Gawen was sworn into the sd Office which is orderd to be certified.

Order'd that Edwd More be exempted from paying County Levies.

Marshall vs Custard the Deft by his Atto: moved for a Dedimus to take the Depo of Jno Miller & Abram Miller two Wits: material in the Cause abt to leave the County.

Order'd that Tho Hewit, John Frasier, James Scott & Wm Campbell or any three of them being first sworn do appraise the Estate of Robt Belshee decd.

Vanemon vs Johnston contd: for Deft.

Courtney vs Stiff agd.

Scothorn & Wife vs Hinton Imp (?).

Breeden vs Fulk & als time for Bill.

Branders vs Burns Als Caps.

Sleeth vs Wise abates by Sh: return.

Fowler vs Campbell P Caps.

Hammer vs Tamewood agd.

Courtney vs Stiff agd.

Keisell vs Haines P C.



Boswell vs Carthrae A C.  
 Glassell vs Nalle abates Sh return.  
 Haines vs Runckle agd.  
 Haines vs Keisler C O.  
 Owens vs Rutherford Imp.  
 Nickles Admr vs Dooley C. O.  
 Lincoln vs Vanpelt agd Defts Costs.  
 Kerslinger vs Lauderback C O.  
 Mc pike vs Hook Oyr.  
 Bright vs Croyder & Wife Imp.  
 Kerr vs Scott Imp.  
 White vs Benson Oyr.  
 Alderson vs Murray O for Advertismt in public Gazette.  
 Peartree vs Knox Imp.  
 Williams vs Rorer (?) Imp.  
 Woodley vs Warren PC (?).  
 Marshall vs Gustard Imp.  
 Waggoner vs Coltop abates Sh return.  
 Smith vs White J W: E.  
 Gratten vs Deck C O.  
 Hammer vs Keslenger agd.  
 Tho: Boyles vs Hewitt C: from Augusta.  
 William Bowyer & Benj: Forsyth vs David Garwin

dismd: no Return.

Daniel Smith Gent returned his List of Tithables.

John Fitzwater returned his List.

James Dyer returned his List.

Order'd that the Sheriff take two Orphan Children in the Custody of Godfrey Hamilton & deliver them to the Church wardens to be by them taken Care untill the further Ord of this Court.

Orderd that Rees Thomas be overseer of the Road from Chas Daillys ford to George Baxters & that the usual Tithables on part of the road work thereon.

Orderd that Jesse Harrison be Overseer of the Road from George Baxters to Thos Gordons & that the usual Tithables on that part of the road work thereon.

Order'd that the Court be adjourned till the Court in Course.

(Signed) Daniel Smith

At a Court held for Rockingham County 28th: Day of Sept 1778

present

Dani Smith	James Dyer
George Boswell	Henry Ewing
Thomas Hewit	William McDowell

George Boswell acknowledged his Deed of Bargain & Sale to John Carthrae which is orderd to be recorded & Comisn to issue to take Examina of Judith his Wife.

Edward Erwine & Mary his Wife she being first privately examin'd acknowledged Deeds of L. & Release to James Finney which is ord to be recorded.

The last Will of Robt Belshee was further proved by the Oath of Joseph Hannah one of the Witnes's thereto.

The Inventory of the Estate of sd: Belshee returned & orderd to be recorded.

Joseph Smith took the Oath of an Ensign of the Militia which is order'd to be certified.

Deed of Bargain & Sale from Lewis Waggoner to William Pickerell was proved by Joseph Smith & Benjamin Smith two of the Witnes's & orderd to lye for further & was afterwards proved by Thos Graham & O to be recorded.

Henry Ewing returned his List of Tithables.

Andrew Vance is appointed Overseer of the road in the room of David Ralstone Ordd that the usual Tithes work thereon.

Dani Smith Gent: Richd Reagen & Ezekiel Harrison returned their Report that they had viewed the Ground from said Smiths house to Thomas Harrisons & find that it may be alter'd to Advantage by carrying it by the House of Derby Reagen from thence by the Corner of Shelpmans field & so into the great road by Thos Harrison's. Order'd that Jerema Reagen be Overseer & open that part of the Road & the Tiths on that part of the road do work under him.

Order'd that Ezekial Harrison be overseer of the Road from Thos Harrisons to Seawrights Run & that the Tiths on that part of the road do work under him.

Orderd that Samuel Hemphill be Overseer of the Road from Nehemiah Harrison to his own house.

Daniel Harrison & Sarah his Wife she being first privily examined acknowledged his Deed of Bargain & Sale from him & Sarah his Wife to Josiah Davidson which is order'd to be recordd.

Frederick Keister produced a Comisn as Lieut of the



Militia & took the Oath according to Law which is order'd to be certified.

A Comisn of the peace & a Comisn: of Oyer & Terminer from under the hand of Patrick Henry Esqr Governor & Chief Magistrate dated the 12th Day of Augt: last directed to Silas Hart, Daniel Smith, Abraham Smith, John Gratten, Josiah Davidson, John Skidmore, George Boswell, Thomas Hewitt, John Thomas, William Nalle, Robert Davis, James Dyer, Henry Ewing, Willm McDowell, Anto Ryder, John Fitzwater, Isaac Hinckle, John Davis, Benjamin Harrison, Reuben Harrison, Gawen Hamilton, William Herring & Michael Coger Gent Justices was produced & read in Court, Whereupon Danl Smith & Thos Hewitt Gent having administer'd the Oath of a Justice of the peace & a Justice of Oyer & Terminer to Silas Hart Gent he afterwards administered the said Oaths to Danl Smith, Geo: Boswell, Thomas Hewitt, John Thomas, William Nalle, James Dyer, Henry Ewing, William McDowell, Anthony Ryder, John Fitzwater, John Davis, Reuben Harrison, & Gawen Hamilton Gent. who took their Seats accordingly.

present

Silas Hart	George Boswell
Danl Smith	Thomas Hewitt
John Thomas	William McDowell
James Dyer	John Davis
Willm Nalle	Gawen Hamilton
John Fitzwater	Anto: Ryder
Reuben Harrison	

Orderd that William Fowler be Overseer of the road from Edward Shank land to the Line of Augusta & the usual Tiths on that End of the road work under him.

Keslinger vs Lenderback agd:

Hudlow vs Keiser agd:

Orderd that the Sheriff Sum: 24 frecholders as a grand Jury for the County.

Deeds from Casper Faught & Eliza his wife to Samuel Bear was proved by the Witness's & ordd. to be recorded also the Comisn for privy Exa: redd & ordd be recorded.

Deed of Mortgage from Samuel Bear to George Keisel was acknowledged by said Bear & O to be recorded.

The last Will & Testament of Thos Wilmot deceasedd was proved by the Depo of George Hammer & Margt Hammer returned with the Dedimus & order'd to be recorded, Whereupon Margt Wilmot the Executrix therein named having refused take upon her the Burthen of the Execution of the sd: Will, Administra is granted to Thos: Wilmot with the Will annexed whereupon the sd: Thos. Wilmot with Security entd into Bond & took the Oath according to Law.

Orderd that Jacob Conrod, Peter Venemon, John Skidmore & Geo Hammer or any three of them being first sworn do appraise the sd Estate.

George Boswell & John Thomas Gent are appointed to examine and receive the Jayl house built on Danl Smiths planta agreeable to a former Order of Court. Whereupon the sd Geo Boswell & Jno Thomas reported that they have viewed the said Jayl & found it sufficient agreeable to the Order of Court except the Iron Door & window which could not be procured.

Appraismt of the Estate of Saml Megart retd & O to be recorded.

Order'd that Gasper Miffort have leave to turn the road leading from Thomas Hewitts to Coles ford round the sd Mifforts field.

Orderd on the Motion of Josiah Davidson the George Baxter, Rees Thomas & James Colquoon (?) being first sworn do view the road from Brocks Gap to Staunton (?) by the planta formerly Danl Harrisons now Josiah Davidsons & report the Convenience & Inconvenience that may attend the turning the same round the sd planta.

Ordered that the Court be adjourned to the Court in Course.

(Signed) Silas Hart

At a Court held for Rockingham County 23d Day of Novr 1778

present

Daniel Smith	Henry Ewing
John Thomas	Gawen Hamilton
George Boswell	Isaac Hinckle (erased)

Abraham Smith & Isaac Hinckle took the Oath of a Justice of the peace & a Justice in the Court of Chancery & of Oyer & Terminer.

present Abram Smith & Isaac Hinckle & Wm Nalle.

Deed of Bar: & Sale from Peter Trussler & Margt. his wife to Jacob Archenbright was proved by the Witness's & ordd to be recorded O for Deds to examine his Wife.

Mark Riggs & Margaret his Wife she being first privately examined acknowledged Deeds of L & Release to James Deen which is order'd to be recorded.

Appraismt of Thos Wilmots Estate returned & O be recorded.

Deed of Bargain & Sale from George Freedley to Jacob Harmon was acknowledged by sd Freedley & O to be recorded.

Administra of the Estate of William Shanklen is granted to his Bro Andrew Shanklen who enter'd into Bond & made Oath according to Law.

Ordd that John Young, Andrew Hudlow, Rob Hook & Wm Campbell or any three of them being first sworn do appraise the sd Estate.

Deed of Barg: & Sale from Peter Hermon & Margt his Wife she being privately examined to Geo Mallows was acknowledged O to be recorded.

A grand Jury sworn towit James McGill, George Baxter, Thomas Shanklen, peter Vanemon, Bethel Herring, philip Dailly, John Black, Joseph Rutherford, James Hooks, Wm Hooks, Samuel Dunn, John Rice, George Weaver, Jacob Nicolas, Henry perkey.

Orderd that the Tithables on three Miles on each side of the road including Felix Gilberts Tithables work under Robert Elliot Overseer of the Road from sd Felix Gilberts to Danl Smiths Gent.

Order'd the Tithables within 3 Miles of the Road from Edward Shanklens to the Line of Augusta work under Willm Fowler the Overseer thereof.

present John Davis, Reuben Harrison.

The last Will & Testament of John Stevenson was produced & proved by the Witnesses thereto, Whereupon Danl Smith Gent & Felix Gilbert the Exers therein named having entd into Bond & made Oath according to Law Certificate is granted them &c.

Order'd that Joseph Rutherford, William Young, John Young & James Brewster or any three of them being first sworn do appraise the said Estate.

Deeds of L & Release from Martin Anthony & Catherine his Wife, she being first privately examined acknowledged to John Eddy which is O: to be recorded.

John Herdman was sworn second Lieut: of a Compy of Militia which is O to be certified.

William Morriss was sworn second Lien't of the Militia which is order'd to be certified.

Appraismt: of the Estate of Bryan Breeding deced ret'd & order'd to be recorded.

Marten Archenbright is appointed Overseer of the Road from Samuel Hemphills house to Wyatts Bridge O that the usual Tiths work thereon.

Michl Coger took the Oath of a Justice of the peace, a Justice of the County Court in Cha & a Justice of Oyer & Terminer.

The last Will & Testament of Robt Scott deced was produced & proved by Robt: Dennison & Andrew Hudlow two of the Witness thereto & Robt Hook & James Scott the Exers therein named having entd into Bond & made Oath according to Law Certificate is granted them &c.

Order'd John Carthrae, Willm Campbell, Anto Lewis & Andrew Shanklen or any three of them being first sworn do appraise sd Estate.

Robt Dennison & Margt: his Wife she being first privately examined acknowledged their Deeds of Lease & Release to Andrew Hudlow which is order'd to be recorded.

On the petition of Seruah Stratton for leave to build a Grist Mill on the South Branch of patowmack near to Joseph Skidmores on the Land of the petitioner it is granted him.

Jeremiah Beesly was sworn Lieut: of the Militia which is orderd to be certified, also paul Lingul was sworn Ensign which is O to be certified.

It appearing to the Court that Mary Rupe Wife of Nicholas Rupe a Soldier in the Continental Army is in great Distress with a family of Seven Children they are of Opinion that she ought to be allowed the Sum of £25 for her relief & the Treasurer is requested to pay her the said Sum.

On the Motion of the Exers of John Stephenson dec'd & with the Consent of Esther the Widow of sd John Order'd that Geo: Boswell Gent: Reuben Harrison Gent & peacy Gilmore do divide & lay off the Share of the Slaves devised to her by the sd Jno Stephenson.

Evan Evans was sworn Lieut: of the Militia which is O to be cerfd.

Danl Smith & Jane his Wife she being first privily examined acknowledged their Deed of Bargain & Sale to Francis McBride which is orderd to be recorded.

Deeds of Lease & Release from Richd Shanklen & Agnes his Wife to Michl Wise was proved by the Witness's & O be recorded.

Andrew Shanklen is appointed Overseer of the Road from his House to the Dutch Church, O that the usual Tith's work thereon.

Nathl Scott is appointed Overseer of the road from the said Shanklens to Jas Beard O that the usual Tiths work thereon.

The grand Jury returned & made the following presentments towit

Order'd that the several Offenders be summoned.

George Baxter & John Rudle were sworn Lieutenants of the Militia which is order'd to be certified.

Order'd the Court be adjourned till tomorrow at 8 O Clock.

(Signed) Danel Smith

(To be continued)

### ADDITIONAL MEMBERS

Certificates of membership for the following have been made out, on the dates indicated, since the list of members on pages 11-17 was printed.

College of William and Mary, Williamsburg; 5-5-45

Garber, Paul N., 15 Avenue Clemenceau, El Biar, Algeria, French North Africa; 6-28-45

Graves, A. W., Lacey Springs; 4-30-45

Harmon, C. F., McGaheysville; 4-30-45

Library of Congress, Washington, D. C.; 4-30-45

Missouri Historical Society, St. Louis, Mo.; 4-30-45

Ray, Mrs. John B., 3211 Van Buren Street, Wilmington, Del.; 6-28-45

Trout, W. C., 825 S. Duke Street, York, Pa.; 5-10-45

Virginia State Library, Richmond; 4-30-45

Wyant, Frederick J., Elkton, R. D. 2; 4-28-45