

VLR-8/17/94 NRHP-9/30/94

United States Department of the Interior
National Park Service

**NATIONAL REGISTER OF HISTORIC PLACES
REGISTRATION FORM**

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Cumberland County Courthouse
other names/site number VDHR Pile No. 24-05

2. Location

street & number N side US 60 at jet. w/SR 600 not for publication N/A
city or town Cumberland vicinity N/R
state Virginia code VA county Cumberland code 107 zip code 23040

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this x nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property x meets does not meet the National Register Criteria. I recommend that this property be considered significant nationally x statewide x locally. (See continuation sheet for additional comments.)

Julie Whismil
Signature of certifying official

8/22/94
Date

Virginia Department of Historic Resources
State or Federal agency and bureau

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of commenting or other official _____ Date _____

State or Federal agency and bureau _____

4. National Park Service Certification

I, hereby certify that this property is:

- entered in the National Register _____
See continuation sheet.
- determined eligible for the National Register _____
See continuation sheet.
- determined not eligible for the National Register _____
- removed from the National Register _____
- other (explain): _____

Signature of Keeper _____ Date of Action _____

5. Classification

Ownership of Property (Check as many boxes as apply)

- private
-x public-local
public-State
public-Federal

Category of Property (Check only one box)

- x building(s)
district
site
structure
object

Number of Resources within Property

Table with 2 columns: Contributing, Noncontributing. Rows include buildings, sites, structures, objects, and Total.

Number of contributing resources previously listed in the National Register 0

Name of related multiple property listing (Enter "N/A" if property is not part of a multiple property listing.) N/A

6. Function or Use

Historic Functions (Enter categories from instructions)

Cat: GOVERNMENT Sub: courthouse, government office, jail

Current Functions (Enter categories from instructions)

Cat: GOVERNMENT Sub: courthouse, municipal building

7. Description

Architectural Classification (Enter categories from instructions)

EARLY REPUBLIC: Early Classical Revival

Materials (Enter categories from instructions)

foundation BRICK
walls BRICK
roof METAL: tin
other

Narrative Description (Describe the historic and current condition of the property on one or more continuation sheets.)

8. Statement of Significance

Applicable National Register Criteria (Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
B Property is associated with the lives of persons significant in our past.
C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations (Mark "X" in all the boxes that apply.)

- A owned by a religious institution or used for religious purposes.
B removed from its original location.
C a birthplace or a grave.
D a cemetery.
E a reconstructed building, object, or structure.
F a commemorative property.
G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance (Enter categories from instructions)

POLITICS/GOVERNMENT

Period of Significance 1818 - c. 1925

Significant Dates ca. 1818

Significant Person (Complete if Criterion B is marked above)

N/A

Cultural Affiliation N/A

Architect/Builder Howard, William A.

Narrative Statement of Significance (Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

- Previous documentation on file (NPS)
preliminary determination of individual listing (36 CFR 67) has been requested.
previously listed in the National Register
previously determined eligible by the National Register
designated a National Historic Landmark
recorded by Historic American Buildings Survey #
recorded by Historic American Engineering Record #

- Primary Location of Additional Data
X State Historic Preservation Office
Other State agency
Federal agency
Local government
University
Other
Name of repository:

10. Geographical Data

Acreage of Property 1.5 acres

UTM References

(Place additional UTM references on a continuation sheet)

Table with 4 columns: Zone, Easting, Northing, Zone, Easting, Northing. Row 1: 1, 17, 744520, 4153500, 2. Row 2: 3, 4.

See continuation sheet.

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Marc C. Wagner, Architectural Historian
organization Virginia Department of Historic Resources date April 30, 1994
street & number 221 Governor Street telephone 804-786-3143
city or town Richmond state VA zip code 23219

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

- A USGS map (7.5 or 15 minute series) indicating the property's location.
A sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name
street & number telephone
city or town state zip code

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places...
Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response...
Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service...

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CONTINUATION SHEETSection 7 Page 1 Cumberland County Courthouse
Cumberland County, Virginia

Summary Paragraph

The Cumberland County Courthouse is located on the north side of State Route 60 in the small town of Cumberland. Completed in 1818, it is the work of master builder William A. Howard. Associated with Dabney Cosby, Sr., one of Thomas Jefferson's master builders, Howard executed the design for this simple, correctly-proportioned, Jeffersonian-classical building according to interpretations of Palladian classical design. The brick, one-story, rectangular, gable-roofed courthouse features the Tuscan order throughout and a tetrastyle portico. Despite alterations to the interior plan and a sand blast treatment to the exterior brick (1968), the courthouse retains its original architectural form and design. Complementing the courthouse green is a small, brick, one-story clerks office (contributing), sited about 20 yards to the northeast of the courthouse. The office is contemporary with the courthouse and its fine Doric order design is also attributed to master builder William A. Howard. The original county jail (contributing) is across a road, to the west of the courthouse. Converted for office space use in 1950, this brick, two-story, gable-roofed jail has had a moderate amount of alteration, but retains some of its early nineteenth century character. The courthouse green also includes a Confederate Civil War monument (contributing), erected in 1901, and a well (contributing) that has been partially reconstructed (the above ground housing). These historical buildings, structure and object are sited behind a low wall that partially surrounds the acre and a half courthouse green.

Architectural Analysis

Cumberland County Courthouse stands at Cumberland, a small town originally known in the late eighteenth century as Effingham. The present courthouse and accompanying clerk's office were both constructed concurrently between 1818 and 1821. Since Cumberland County's founding in 1749, three courthouses have been used. Prior to the construction of the present brick courthouse, the earlier frame buildings were less substantial with few stylistic pretensions. In 1818, master builder William A. Howard was contracted to build a courthouse and clerk's office.¹ Howard's Jefferson-influenced, Roman-Classical design is a reflection of the cultural sophistication of Virginia society during the nation-building period of the local, state, and federal legal systems. Here the architecture exhibited a physical decorum and solidity associated with governments that had long established histories. Today, Howard's courthouse and clerk's office stand near the center of Cumberland with a ca. 1823 jail,² a nineteenth-century well, and a 1901 Civil War Memorial. A modern county government building was added to the complex in the 1966.

Cumberland County Courthouse is a one-story, brick, rectangular five-bay building with gable roof featuring pedimented ends. Measuring 60 feet wide by 35 feet deep, the buildings' primary facade is laid in Flemish bond, while the other sides feature American bond.³ The principal exterior architectural feature is the finely executed tetrastyle Tuscan portico, that includes a full entablature (the rest of the building's cornice is executed in the simple Tuscan order). The main

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entrance is composed of recessed, paneled double doors framed by molded trim and topped by a well-proportioned pediment and pulvinated frieze.

The interior plan consists of equal-sized judge's and a jury rooms placed in the western end of the building, with the court room occupying the remainder of the interior.

In the mid-1960s the plaster ceiling in the court room collapsed and county officials decided that the courthouse needed updating for continued court use. At this time the interior was substantially remodeled. Before the renovation work took place there were four rooms in the building: a court room, consisting of the raised bench and an audience area; a jury room; judge's chamber; and a conference room. During the renovation, the judges bench was reversed from the east to the west end of the court room, and the conference room partition was taken away to create a larger judge's chamber. The original architectural plans of the courthouse do not exist, but local historians and officials believe that the present arrangement of spaces reflects the original intent of the architect.⁴

Along with interior improvements, problems with circulation and deterioration of mortar were addressed during the late 1960s renovation. At some point in the nineteenth century a door had been added to the rear of the courthouse, probably to create separate public and private entries (the front entry was for the public and the rear entry was for officers of the court, lawyers, plaintiffs, and defendants). The door was later replaced by sash, leaving a stone threshold floating in the wall. As part of the 1960s renovation a door was reintroduced into the north wall. Presently, the rear elevation features brick stairs to the rear entry, and a small, brick, gable-roofed, bulkhead serves as the exterior to the basement. Another private access to the judges' chamber was created on the primary facade by remodeling a window into a door, probably sometime during the late nineteenth century. During the 1960s renovation the window was rebuilt to restore the important balanced symmetry of the primary facade wall openings.⁵

Regrettably, a sand-blasting method was used to clean the exterior brick walls. The brick sustained moderate damage, and the mortar joints required substantial reworking.⁶ At the time, the damage to the courthouse's architectural integrity was regarded by Virginia Landmarks Commission officials as grounds for removing it from the Virginia Register and not forwarding the document for National Register consideration. The courthouse had been nominated under Criterion C for its importance as a regional example of Jeffersonian Roman Revival architecture, and while the architectural form remained evident after the sand blasting, the material integrity was significantly reduced. The building is, however, significant under Criterion A.

The courthouse's notable interior features include: original window and door trim; two original six-panel doors with Carpenter box locks; original nine-over-nine double-hung sash (with about 50% older glass-some of which may be the "Boston" made glass specified by the commissioners). On either side of the court room, affixed to the walls, are commemorative marble panels bearing the names of Cumberland County's Confederate troops. The

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"Cumberland Troop 3rd Regiment" tablet is installed on the south wall, facing the "Cumberland Grays 2nd VA. Regiment, 2nd Brigade" tablet, on the north wall.

The framing system of the courthouse roof is intact. Plates, rafters, trunnels, bracing, and sub roof are visible in the attic space. The courthouse roof is constructed in a king post truss system. Due to the failure of the ceiling in the mid-1960s, the present ceiling is reinforced with metal truss beams.

Architectural Description of the Clerks Office

The clerk's office stands to the east of the courthouse. While the 1818 commissioners' contract makes no mention of a clerk's office, the classical style and construction of the building associate it with master builder William A. Howard.

This small, three bay, office exhibits a more elaborate Doric entablature, featuring triglyphs and recessed guttae (the order was maintained on the pedimented gable ends and was thoughtfully extended onto a later rear ell addition). The portico is supported on unusual paired octagonal columns.⁷

The original interior plan consisted of a simple one room space that was later extended to the rear with a one room ell (the ell was remodeled to include a bathroom and storage area). Until the new municipal building was completed in the 1960s, the clerk's office served the county's needs out of two primary rooms: an office and a records room. The interior and exterior of the clerk's office was remodeled at the same period as the courthouse in the late 1960s, however, the Clerk's Office retains the original design intentions and form. Notable interior features include a functioning fireplace; classically-styled architrave at window and door openings, and plaster walls.

Jail, Well, and Confederate Civil War Monument

To the west of the courthouse is the original brick jail which according to local history was built as early as 1823. The present building, which appears to be larger than a jail of this period, may have been one story in an earlier configuration form. If it post dates 1823, it was most likely built before the Civil War and modified later in the century to meet the county's growing needs. The building served as the county jail until 1949 and was converted into the County Health Center in 1950. This simple three-bay building was built to suit its utilitarian use. The sash, shutters and frame porches appear to date to the 1950 remodelling.

The courthouse green includes a well that stands about 20 yards to the south east of the courthouse and dates at least into the nineteenth century. The well's frame structure is recent and is based on nineteenth century examples.

Confederate Civil War Monument (1901) stands in between the courthouse and the clerk's office. It consists of a granite obelisk set atop a rusticated block base. Cumberland County's

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several regiments are memorialized by carved inscriptions into the base, on each side, of the distinctive stone monument.

Endnotes

1. Curiously, little is known about William A. Howard. According to University of Virginia Architecture School Professor K. Edward Lay, Howard was not one of the several Jefferson-trained builders who went on to champion the Roman Revival style throughout the Piedmont and Southside areas of Virginia. Howard may have inherited his building talents and stylistic training from Dabney Cosby, Sr., who had worked under Jefferson. Cosby is well known for his campus buildings at Hampden-Sydney College, Prince Edward County, and the now ruinous, Randolph-Macon campus, Mecklenburg County. Cosby and Howard collaborated on the Lunenburg County courthouse in 1827.
2. There is no record of the county's gentlemen justices making a request to build either a clerks office or a jail in the court house contract of 1818. The clerk's office clearly shows the work of Howard's classical design, but the jail building is utilitarian and has never been attributed to Howard, even though it was begun shortly after the courthouse and clerk's office were finished.
3. The brick on the clerk's office is laid in the same pattern.
4. One unusual detail that remains unresolved is how the eastern chimney would have been expressed on the interior. The removal of the base of the eastern chimney probably occurred when the judges bench was originally reversed, perhaps sometime in the late nineteenth century. There is insufficient research at this time to date the earlier remodeling of the interior, but photographs taken during the 1960s remodeling show what appear to be simple late 19th or early 20th century detailing. In the court document outlining construction requirements, a plan is referred to. This plan might resolve the mystery of spacial arrangements, but it has not been located.
5. There is no documentation available for the dates of this alteration.
6. A recent site visit confirms the damage. But now, after 23 years of natural aging, the brick and mortar have darkened closer to the pre-cleaning color tones. Of particular interest is the fact that the sand blasting machine missed certain sections of wall where original brick surface can still be seen. Inspection of the chimney brick in the attic area reveals original un-weathered brick that can be used as a benchmark throughout the building. The commissioners required in the construction contract that architect William A. Howard use "hard well burned brick." Comparatively, these bricks have withstood and survived natural and unnatural tests.
7. Calder Loth speculates that these unusual octagonal columns are signs of the builder's naivete. Did the workmen literally follow the octagonal measurement profile inside of column plans in Asher Benjamin pattern books? This is the possible result.

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Statement of Significance

William A. Howard's 1818 courthouse is Cumberland County's third. The earliest building stood at Deep Creek Bridge, in the present-day Powhatan County. After Powhatan County was formed in 1777, the Cumberland County government decided their new seat would be called Effingham, a name that became less preferred than Cumberland Court House. The second, eighteenth century, courthouse was located near the present building. The records stored at Cumberland Court House span two hundred and forty five years of governmental proceedings that involved day to day mundane legal transactions as well as events that were reported to a statewide audience: the Bizarre (1797) and Garrett Trials (1923). Cumberland Courthouse is significant under Criteria A because it is associated with legal and governmental events that have made a significant contribution to the broad patterns of Cumberland County's history for over two centuries.

Historical Background

The courthouse is an essential part of life in Virginia. While some of Virginia's courthouse buildings have increased in size with additions or have been completely left behind for larger, modern spaces. The older courthouses still occupy an important symbolic place in their respective communities. Cumberland Courthouse is one of these unique places: a finely designed and masterfully built courthouse without additions; an equally elaborate clerk's office; a simple, yet noble Civil War monument; all set on a green that was laid out in the late eighteenth century along the Buckingham Road (the present State Route 60). Because this courthouse was built in the early National period and houses the county's colonial records, it remains a physical link to the Virginia shaped by Byrds, Randolphs and Jeffersons.

At Cumberland, the courthouse has withstood the test of time. Physically, it has undergone alterations and several significant remodelings. Fortunately, the courthouse and its setting effectively embodies, in form, Cumberland County's governmental history. The building still serves as the county's primary public space for legal and governmental activity.

Cumberland County was formed from Goochland County in 1749. The first courthouse was built at Deep Creek Bridge in about 1750 (presently in Powhatan County). After Powhatan County was formed from Cumberland in 1777, another site was chosen for the court. The Cumberland Court decided on August 26, 1777¹ to "provide for building a courthouse, prison, pillory and stocks, within the old field at the plantation of Maurice Langhorne."² At this time residential and commercial parcels were laid out and the new town was named Effingham, after Britain's Lord Howard, Baron of Effingham, who had attracted attention in Virginia for his opposition to British ministerial policy.³ The courthouse land (or green) was delineated as 1,300 x 900 feet with streets 100 feet wide. The site straddled the Buckingham Road and included three springs on the north side of the property.⁴

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Cumberland's late-eighteenth-century courthouse may have been modeled on the frame mid-century building at Deep Creek Bridge. The early courthouses of the area were most likely functional frame buildings with little or no detail. The new name Effingham never gained much popularity and was soon forgotten by the citizens of Cumberland in favor of the more obvious Cumberland Court House. As with many other rural counties in the state, Cumberland's county seat was of modest size, containing less than ten houses and the "necessary appendage,"⁵ the tavern. The Effingham Tavern--here the name Effingham stayed on--was the site for formal and informal meetings, arguments, debates, trading, most of which concerned the proceedings at the courthouse. Unfortunately, the tavern burned on July 24, 1933.⁶

Court orders calling for the construction of a new courthouse begin in 1817. An 1818 contract between the county commissioners and William A. Howard, the master builder describes the stylistic features of the proposed courthouse. The language chosen by the commissioners reveals the degree of architectural sophistication that upper-class Virginians had attained through the popularization of Thomas Jefferson's work throughout the region.⁷ While drawings associated with this contract have not been found, Howard probably presented exterior sketches and/or interior plans to the commissioners for their approval. The commissioners' stylistic desires are specific:

The exterior front of building, to be after the Tuscan order, according to Palladio, according to the plan already referred to--the door and window frames after the Ionic order, with Ionic cap to the front door.⁸

Other construction aspects including measurements and quality of material, were spelled out, an interesting sample:

The window glass to be Crown Glass, from the Boston manufactory and to be 12 by 14 inches--the windows all to have strong and neat venetian shutters . . . the columns to the portico to be painted and sanded in simulation of stone work.⁹

Howard went on to design two other notable courthouses in the state.¹⁰ In the Southside county of Lunenburg he combined his talent with Dabney Cosby, Sr., a Jefferson builder who had recently finished work at the University of Virginia. Completed in 1827, this courthouse is a larger scale, two-story building, clearly designed with Jefferson's interpretation of the Roman temple in mind.¹¹

The Mecklenburg County Courthouse of 1838-42 is probably one of Howard's most important commissions. Here Howard designed a temple form building using the Roman Ionic order. The building's grandeur is emphasized by its large hexastyle portico.¹² Like the Lunenburg Courthouse, the Mecklenburg building is an elaboration on Jefferson's models.

William A. Howard's work in the lower Piedmont and Southside regions of Virginia establishes his place in architectural history as one of the important promulgators of Jefferson's Roman

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Revival architecture. This brand of early-nineteenth-century courthouse architecture became a symbol for governmental legitimacy based in anglophilic Virginia's interpretation of Greek and Roman philosophy. It was architecture that set a visual standard, an assumed legal and political decorum, and a stylistic hierarchy for government buildings.

While the appearance of the Courthouse and the Clerk's Office has changed little since the early nineteenth century, the architectural fabric has been altered. After the courthouse ceiling collapse in 1968, a thorough renovation of the building took place. Restoration work on the courthouse had been proposed for some time prior to this incident. While experts in the field of restoration were consulted and members of the Virginia Landmarks Commission participated in recommendations for the project, an unfortunate decision was made to use a sand blast method to clean the building's brick. The work damaged and discolored the brick and mortar. The courthouse had been listed on the Virginia Landmarks Register and was in the process of National Register review when the results of this treatment were discovered. In 1969, the nomination was withdrawn from the National Park Service review and the courthouse was delisted from the Virginia Landmarks Register. A positive result from this incident was a new awareness in the preservation community about the destructive effects of sand blasting. The Cumberland Courthouse example received national attention and a countless number of important landmarks have been spared this damage. While the Cumberland Courthouse has lost considerable material integrity due to the wall cleaning, it still retains its architectural form and detail. Though unable to meet National Register Criteria C, the courthouse and clerk's office do clearly act as symbols for the broad pattern of Cumberland County's governmental history, a quality more suited for National Register Criteria A.

For the citizens of Cumberland County, Howard's courthouse and clerk's office symbolize a tie to the mainstream of Virginia's governmental and architectural history. But equally as important are the thousands of pages of court documents that make a direct link to the communities' ancestors. Since Cumberland County did not send their legal and governmental records to Richmond during the Civil War, the collection is continuous from 1749.

Government and Legal History

Cumberland Courthouse is one of seven courthouses considered as stylistically transitional between the English Georgian and Jeffersonian Republican periods of Virginia architecture history.¹³ In 1818, when the new Cumberland courthouse was being built, Virginia was enduring a tough economic period brought on by war's devastation, wasted crops and disappearing markets. The National period in Virginia was characterized by a "democracy" that was an extension of two centuries of custom, practice and accumulated sanction, compared to current standards government was undemocratic in many ways. Republican lawyers such as Jefferson, George Mason, and St. George Tucker engineered court reform designed to erode much of the judicial power of the county court. Jefferson also intended to reform traditional Virginia public architecture when he participated in the design of the Botetourt, Buckingham, and Charlotte County courthouses.

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Cumberland County Courthouse
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A county seat on the Buckingham Road, one of the main east-west corridors of travel between the well-established Tidewater culture and the developing western regions, Cumberland Court House, with its tavern, was a popular stopover for travelers. An early account of the courthouse is found in the travel journal of the Frenchman Marquis de Chastellux, who visited Cumberland in 1783 where there was a special court of claims sitting at the time. He described Cumberland as a small village containing only seven or eight houses and a tavern.¹⁴ He went on to remark that the judges, who were dressed in "the Virginia manner" (everyday clothes), "performed their duties with great order and simplicity."

The courthouse served the functions of several different courts during the eighteenth and nineteenth century: County Court, General Court, District Court, and a variety of special courts. The courthouse set the stage significant for legal events, history and social mores are evident in many of the common proceedings documented in the Court Order Books. The following is a chronological sampling:¹⁵

- 1749- The court ordered that Nicholas Davies and Stephen Bedford, Gent. to agree with some person to build an office 16 feet by 12 with an outside chimney made of brick or stone with all other proper conveniences for holding and preserving the records and papers belonging to this county.
- 1761- On the Presentment of the Grand Jury against James Aiken for refusing to work on the roads this day came the said James and on hearing his excuse the said Presentment is dismissed the Court being of the opinion that he is not a person obliged to work on the roads.
- 1783- A claim of Charles Anderson for four gallons of corn and dieting two soldiers one day - two dragoons on their march to the northward continental purposes certified the first day of March 1783...for which he is allowed four shillings.
- 1791- Lucy a Negro the property of John Slaughter is exempt of taxation for the future.
- 1809- Scipio Mayo son of Doll one of the Negroes emancipated by the last will of Joseph Mayo deceased produced to the Court sufficient testimonials of his freedom it is therefore considered that said Scipio be discharged from all further service as a slave and that he is entitled to the privileges and immunities of free negroes and mulattoes....
- 1825- A Grand Jury of Inquest ... presented Fleming (last name illegible) for breach of the Sabbath in hawling shingles in his wagon...upon information of William Randolph, Sr. who was called on by the Grand Jury.
- 1832- On the motion of John F. Cox and Robert McLaurine for certificate of their good character to enable them to sell by retail ardent spirits at their store houses in this county, the same is refused.

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- 1855- Wm. H. Ansbacker, a native of Bavaria in Germany this day declared on oath...his intention to become a citizen of the United States and to renounce forever any allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty, whatever, and particular to the King of Bavaria in Germany.
- 1856- Thomas A. (last name illegible), who has been confined in the jail of this County as a lunatic, was brought into Court, and being examined, it is of the opinion that the said Thomas is not a lunatic, It is therefore ordered that he be discharged from prison.
- 1864- The Court doth certify that supplies for indigent Soldiers and their families in this County, can only be purchased from the tax in kind - that 119 persons indigent soldiers and families are dependent upon the County for Subsistence and that 150 barrels of corn and 500 pounds of bacon are required to maintain the said indigent soldiers until 1 August 1864.
- 1871- At a meeting of the Board of Supervisors for the County of Cumberland held at the Court House of said county on Tuesday the 27 day of Sept. 1870...doth appoint M. Flannagan (and others) Commissioners to contract for the necessary repair of the Court House and Clerk's Office, and make a report.
- 1884- (The Board) Ordered that the Courthouse pump be taken out and a Smith well bucket or some other be put in.
- 1893- The Board...for the protection of the poultry in this County doth hereby award a premium of One Cent each on all scalps of Red and Gray Foxes, Owls, Minks, Weasels and Hawks killed within this County....
- 1907- It is ordered that C. R. Sanderson is hereby appointed to take charge of the County Exhibit at Jamestown during the Exposition 1907.
- 1909- The Directors of the Cumberland Mutual Telephone Company having petitioned the Board for the privilege of erecting telephone poles and telephone line along the public roads of this County, such privilege is granted said Company....
- 1922- It is ordered that C. M. Smith, Treasurer of this County, do pay to the old Confederate Soldiers of this County \$5.00 each and their railroad fare to the Reunion in Richmond beginning June 19, 1922.

Significant Historical Events at Cumberland's Early Courthouses

In addition to the compilation of the mundane workings of the county are cases and events that have been passed down through the county's oral history. All of the stories are based in truth,

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found in the courthouse records, but have often been embellished, a seemingly natural function of folklore.

The following cases and events are associated with the earlier Cumberland courthouses. The earliest courthouse was the mid-eighteenth century frame building at Deep Creek. The second courthouse was built sometime after 1777 and sat just east of the present courthouse.¹⁶

The Chiswell-Routledge Incident

In 1766, at Cumberland Court House, John Chiswell and Robert Routledge became involved in an argument at a tavern. Chiswell was a wealthy merchant, while Routledge was a recently arrived Scottish refugee, a supporter of the Pretender. Apparently, both men were drunk and Routledge took issue when Chiswell called him a "Rebel Presbyterian." The more elaborate accounts claim that Chiswell ordered his servant to supply him his sword. In any case Chiswell stabbed Routledge to death. Chiswell was jailed at Cumberland where the County Court refused to allow bail. Bail was eventually provided by the General Court, which included John Blair, Presley Thornton and William Byrd. The prosecutor, chosen by lot, was his close friend John Blair, Jr. Chiswell committed suicide, probably rather than facing an embarrassing trial. The story has been interpreted as having the subtext of a struggle between the landed gentry, members of the General Court, who were related to Chiswell, and the middle-class who was personified by the victim, Routledge. The story assumed more mythic proportions in the nineteenth century when it was viewed as one of the events leading up to the American Revolution.¹⁷

Cumberland's Call for Independence

The most significant political event to occur at the (Deep Creek Bridge) courthouse during the American Revolution was the reading of a resolve drafted in preparation for the Committee of Safety's presentation to the House of Delegates. The resolve, read on 22 April, 1776 may have been the first positive call for American Independence by a governmental body in the thirteen colonies. Read at the courthouse and publicly at the at a nearby tavern, the most poignant text of this brief document is often cited.

When his Majesty, after a wanton Abuse of his Negative on our Acts of Assembly, by which he has forced the Slave Trade on us for several years unmindful of his Coronation Oath, has ordered his Governor Lord Dunmore, to arm our slaves against us, in open Violation of several Acts of Assembly which have the Royal Sanction; when an uniform system through all the Acts of Parliament in the Present Reign, tending evidently to the total destruction of American Liberty, leaves no other alternative than a base Submission to inhuman, impolitic and oppressive Measures, or Independency; actuated by a tender regard to ourselves indispensably obliged to declare boldly for the latter. We, therefore, your Constituents, instruct you positively to declare for an Independency; that

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**Cumberland County Courthouse
Cumberland County, Virginia**

you solemnly abjure any Allegiance to his Brittanic Majesty, and bid him good night forever.¹⁸

The Bizarre Trial of the Randolphs

The most sensational trial in late eighteenth century Virginia was undoubtedly the "Bizarre" case which was brought to court on 25 April, 1797. Bizarre was the Cumberland County house of Richard Randolph. Randolph was accused of murdering his sister-in-law's baby. It was believed that an affair between Richard and Nancy Randolph had resulted in an unwanted pregnancy (Richard had married his cousin Judith Randolph and Nancy, her sister was living at Bizarre at the time of the incident). When Randolph stood trial at Cumberland Court House, he was defended by Patrick Henry and John Marshall. He was eventually acquitted, but not before a great deal of damage had been done to the Randolph name due to the statewide attention the case received.¹⁹

Significant Historical Events at Cumberland's Present Courthouse

The Garrett Brothers Trial

The Garrett brothers case of 1923 received statewide attention. The unusual circumstances included two of Cumberland's most prominent businessmen, Robert and Larkin Garrett. The brothers were accused of murdering Baptist minister E. S. Pierce in broad daylight. This action resulted from years of back-biting and feuding between the minister and the Garretts. Apparently, the Garretts had demanded that the county fire a local school teacher who had been caught on her lunch break embracing her sweetheart. Pierce took issue with the Garretts and publicly supported the teacher. A public renunciation of the Garretts at a Sunday service, by the minister, persuaded the Garretts carry out the murder the following day.²⁰ The Richmond News Leader of 26 June 1923 reported the emotional environment of the small courthouse community (the murder was committed within a quarter mile of the Courthouse).

At an early hour today Cumberland began to gather in the little village, which houses its courthouse and with it the flaming point of its feudal political volcano, for the first step in what undoubtedly will be the most significant legal battle in its history.²¹

The journalists flowery prose describes the event within the physical surroundings of the courthouse.

Under the professionally jocular evading good humor of attorneys for both sides indications that the men who will fight Cumberland's political-economic battle felt keenly the desperate need of all their wits and legal battering rams to settle the case. Flanked by memorial tablets of dead soldiers of the Confederacy, the

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Cumberland Courthouse hovered over the enclosed new war, and probably the beginnings of new heroes.²²

The case eventually resulted in the conviction of Robert Garrett, who was sent to prison to serve a moderate sentence. While in prison Garrett was able to earn a law degree and upon release he began practicing in Cumberland County. Within several years his popularity gained him the trust of the community, so much so that he was eventually appointed judge, and, ironically, presided over the Cumberland Court, the same bench that had convicted him of murder.

The Creed Taylor Legacy at Cumberland

The early and present courthouses of Cumberland were used by some of Virginia's most prominent leaders. They acted in various capacities: as a court officer, a commissioner, a clerk, or judge; while others brought business to the court as a citizen or lawyer.

The late eighteenth century courthouse was the site where Patrick Henry, John Marshall, Edward Carrington, George Carrington, Sr., George Carrington Jr.,²³ and Richard Randolph all practiced law during the last half of the eighteenth century. For those familiar with state and national history, these men need little description of their respective accomplishments and reputations. Their contributions to Cumberland County, through its courthouse, are significant. But one of the more significant men to have an influence on the local, state, and national levels of legal history was Creed Taylor.

Creed Taylor, famous jurist and legal educator, is best known for founding Virginia's second law school at Richmond in 1811, and the third, at Needham, his home in Cumberland County, in 1821.²⁴ Taylor studied law in the office of George Carrington, Jr. (Clerk from 1779-1784). He went on to become deputy clerk under Miller Woodson, Carrington's successor. In 1788, he was elected to the House of Delegates, and later he served on the Senate where he was Speaker of the Senate for his last term in 1806. He succeeded George Wythe when he was appointed judge of the Superior Court of Chancery for the Richmond District.

Taylor's law school at Needham, his residence, is considered historically significant partly because his primary method of training was the moot court. While the method had been used by George Wythe at William and Mary, Taylor used it as his principal teaching tool. Needham, built 1802, was placed on the State and National Registers in 1988.

The students at Taylor's first school at Richmond included the future president John Tyler, secretary of state Abel Parker Upshur, senator William Cabell Rives, and member of the House of Delegates William Selden. At his Needham School he educated one Ohio supreme court justice, William Yates Gholson; three congressmen, Joseph William Chinn, John Minor Botts, and John Hall Fulton; a Confederate general and Missouri governor, Sterling Price; and five members of the House of Delegates, Peter Guerrant, John D. Leland, William Henry Roy, William H. Terrill, and Addison Hall.

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Taylor died in 1836, but his school may have continued as late as 1840. In addition to the significant students mentioned above, his classes served as the educational background for many lawyers who practiced in Cumberland County. It is also likely that the Needham students were encouraged to attend court at Cumberland Court House to augment the moot court, learning-by-example method.

ENDNOTES

1. William H. Gaines, "Courthouses of Powhatan and Cumberland Counties," *Virginia Cavalcade*, Vol. XVII No. 3, 38, 39.
2. Gaines, 39.
3. Gaines, 39.
4. The present courthouse was not built on the exact older building's site, but very close. The earlier courthouse stood to the east of the present building. The present well is fed by one of the springs mentioned in earlier documents.
5. Gaines, 41. The quotation marks are carried over from Gaines's quotation of the Marquis de Chastellux who made the comment in his travel diary in the 1780s when he stopped at Cumberland Court House.
6. The 1778 courthouse did not face the tavern. The 1818 courthouse was built directly across the street from the tavern which created what must have been an interesting relationship of portico facing portico. Whether intended or not the spacial relationship created a town center where outdoor gatherings would have had appropriate ceremonial legitimacy. Of course, the other significance of the courthouse-tavern spacial arrangement were the expected social needs met by both; here for several days of the month one could conduct and experience business, pleasure and entertainment. The commissioners may have had these intentions when choosing a site for the new courthouse.
7. The construction of Jefferson's Buckingham County Courthouse was almost concurrent with that of the Cumberland County building. Buckingham courthouse was finished in 1823.
8. Contract between Cumberland County Commissioners and William A. Howard, Builder. November 23, 1818. In display case at Cumberland County Court House, Cumberland, VA. The Cumberland County Commissioners signing the document were: Willis Wilson, Randolph Harrison, John Holman, Allen Wilson, John W. Smith (?), Maurice Langhorne, Jr., William M. Thornton and Carter Page.
9. Ibid.
10. The builder or architect of the Jeffersonian-Classical Ampthill in Cumberland County, which displays a facade that resembles that of the courthouse, and a similar plan, a long rectangular block with a portico, remains a mystery. The logical choices would be William Howard or Valentine Parish (suggested by Calder Loth).
11. The scale and plan of the Cumberland Courthouse, when compared with Howard's later courthouses, has much more in common with the rather diminutive Warwick County Courthouse (Newport News) of 1810, a Roman Classical-style building that measures 16'x 24.'
12. In the *Virginia Landmarks Register* (1986, page 272), Calder Loth notes that with its brick walls painted white, the building bears a striking resemblance to the State Capitol.
13. Interview with Virginia Courthouse historian John Peters, November 1993.
14. Gaines, p. 41. He describes the tavern as a "necessary appendage" of every Virginia courthouse. On the same trip Chastellux commented on his visit with Thomas Jefferson at Monticello.

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15. *Cumberland County and its People*, 5-13.

16. While these events did not occur at the present courthouse, the complete records of these events are stored at the present courthouse green, in the records room in the 1966 Cumberland County Municipal building.

17. From two sources: the folk version comes from a newspaper clipping discovered by Betty Walton, Cumberland historian, at the clerk's office in an old scrapbook. The newspaper name and date were missing, but judging from the period of the rest of the material it probably was written in the early twentieth century. The headline reads: "Rutledge Slaying was Most Famous in Cumberland Co." The second source: "Inscriptions on Old Tombs in Gloucester Co.," *William and Mary Quarterly Historical Papers*, Vol. 2, No. 4, (April, 1894), footnote 34, page 235.

18. Thomas Miller quoted in "Cumberland County and Independence," *William and Mary Quarterly Historical Papers*, Vol. II, No. 4, (April, 1894) 252-255.

19. Dr. Fitzgerald Flournoy, "John Randolph of Roanoke," in *Felixville a Forgotten Village in Cumberland County Virginia and Other Sketches*, (reprinted from the *Farmville Herald 1932-1939*), (Farmville: Farmville Herald, 1967), 131.

20. Interview with Betty W. Walton 25 October 1993. Also from scrapbook that she discovered in the Clerk's Office -- two of the many newspaper articles: "Ask Indictments Vs. Garretts," *Richmond Evening Dispatch* (Tuesday, June 26, 1923), and Robert F. Nelson in "To Affect Future Legal History of State," *Richmond Evening Dispatch* (Friday, July 27, 1923).

21. Staff Correspondent, "Cumberland Boiling as Grand Jury Sits," *Richmond Evening Dispatch* (Tuesday, June 26, 1923).

22. Ibid.

23. Mrs. E. J. Harrison in *Today and Yesterday in the Heart of Virginia*, p. 213. George Carrington, Sr., served on Cumberland County's Committee of Safety, as a clerk and a gentleman justice. Three of his sons also served on the Committee, and two were captains during the Revolutionary War. George Carrington, Jr., is known for his correspondence with Thomas Jefferson.

24. John Salmon, *National Register of Historic Places Registration Form for Needham*. (VDHR File #24-30). Section 8. All historical information on Creed Taylor in this report is based on John Salmon's well-documented research.

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**Cumberland County Courthouse
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Verbal Boundary Description:

The boundary for Cumberland County Courthouse, Clerk's Office, Jail, Confederate Civil War Monument, and Courthouse well is shown as a dark line on the accompanying map entitled "Map derived from Ralph P. Hines, C.L.S. plat of 4 parcels of land surveyed for Cumberland County, September 22, 1964.

Boundary Justification:

The boundary includes the Cumberland County Courthouse, Clerk's Office, Jail, Confederate Civil War Monument, and Courthouse well, all of which have been associated with Cumberland County Government activity since the first half of the nineteenth century. The new Cumberland County Office building, built in the 1960s, which is sited about 10 feet east of the Clerk's Office, has been excluded since it is not a contributing building.

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Cumberland County Courthouse
Cumberland County, Virginia

All photographs are of:

CUMBERLAND COUNTY COURTHOUSE
Cumberland County, Virginia
VDHR FILE #24-5

All photographs were taken by Marc C. Wagner in 1993. Negatives are on file with the VDHR collection at the Virginia State Library and Archives.

VIEW OF: Courthouse, primary elevation; view towards
northwest
NEG. NO.: 13707-4
PHOTO 1 OF 17

VIEW OF: Courthouse primary entry; view towards northwest
NEG. NO.: 13707-7
PHOTO 2 OF 17

VIEW OF: Court Room; view towards southwest
NEG. NO.: 13708-12
PHOTO 3 OF 17

VIEW OF: Court Room ; view towards east
NEG. NO.: 13708-3
PHOTO 4 OF 17

VIEW OF: Original jury room door; view towards north
NEG. NO.: 13708-6
PHOTO 5 OF 17

VIEW OF: Detail of jury room door's Carpenter box lock; view
towards east
NEG. NO.: 13707-10
PHOTO 6 OF 17

VIEW OF: Cumberland Grays memorial tablets; view towards
southeast
NEG. NO.: 13707-2
PHOTO 7 OF 17

VIEW OF: Detail of framing system in attic; view towards south
NEG. NO.: 13708-22
PHOTO 8 OF 17

VIEW OF: Detail of framing system in attic; view towards east
NEG. NO.: 13708-24
PHOTO 9 OF 17

VIEW OF: Clerk's Office; view towards west
NEG. NO.: 13707-28
PHOTO 10 OF 17

VIEW OF: Clerk's Office rear elevation: view towards east
NEG. NO.: 13707-35
PHOTO 11 OF 17

VIEW OF: Detail of Clerk's Office portico; view towards north
NEG. NO.: 13707-19
PHOTO 12 OF 17

VIEW OF: Detail of Clerk's Office portico; view towards west
NEG. NO.: 13707-27
PHOTO 13 OF 17

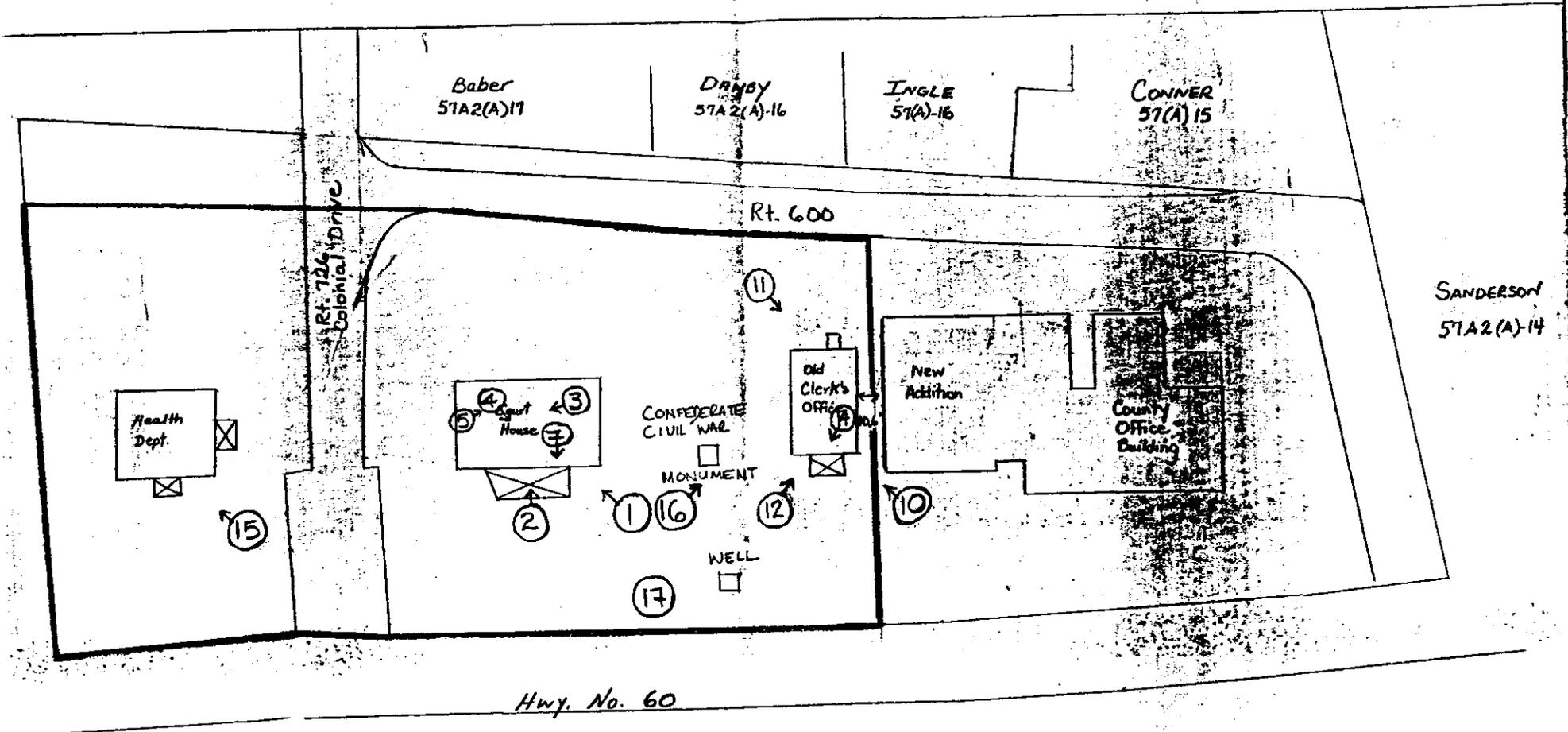
VIEW OF: Clerk's Office primary or front room; view towards
south
NEG. NO.: 13707-24
PHOTO 14 OF 17

VIEW OF: Jail, primary elevation; view towards west
NEG. NO.: 13829-29
PHOTO 15 OF 17

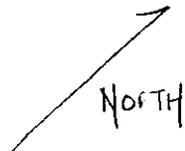
VIEW OF: Confederate Civil War Monument; view towards
north
NEG. NO.: 13829-28
PHOTO 16 OF 17

VIEW OF: Courthouse green showing well and Clerk's Office;
view towards north
NEG. NO.: 13829-31
PHOTO 17 OF 17

CUMBERLAND COUNTY COURTHOUSE BOUNDARY MAP



SCALE: 1 INCH = 40 FEET



MAP IS DERIVED FROM RALPH P. HINES, C.L.S.
SURVEY OF SEPT. 22, 1964

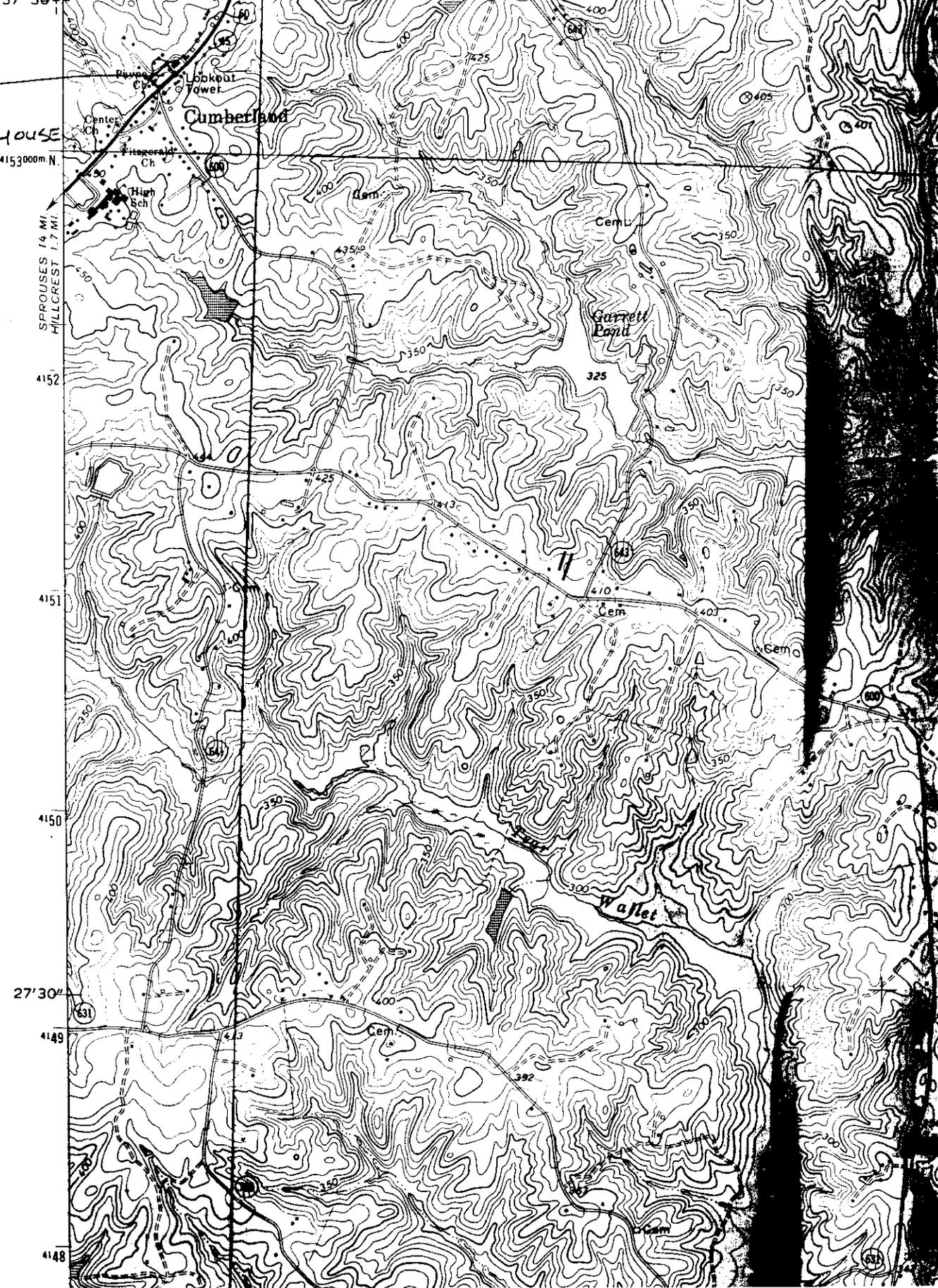
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

5359 1/2 SE
(GOLD HILL)

78° 15' 37° 30' 744000m. E. 745 746 12° 30' 74

CUMBERLAND
COUNTY COURT HOUSE

ZONE 17
J: 744520
J: 4153500



78° 15'
37° 30'

RICHMOND 47 MI.
0.8 MI. TO VA 13

744000m. E.

745

746

12° 30'

74

4153000m. N.

SPOUSES 14 MI
HILLCREST 1.7 MI

4152

4151

4150

27° 30'

4149

4148



431

431