

HISTORY OF THE STAUNTON CIRCUIT COURT

PART I: THE COURT

Although the City of Staunton traces its origin back to 1747, the Court of Hustings for the Corporation of Staunton, predecessor to the Staunton Circuit Court, did not begin meeting until 1802. Prior to that time, the Augusta County Court had jurisdiction over Staunton matters.

On December 23, 1801, the State Legislature passed an act authorizing Staunton to organize as a town. On March 20, 1802, the freeholders and housekeepers of the town met at the county courthouse and organized the town government. They elected twelve freeholders to act as Common Councilmen. These twelve men elected a Mayor, Recorder, and four Aldermen from among themselves. The Mayor, Recorder, and four Alderman or any four or more of them (the Mayor and Recorder counting as one) made up the Hustings Court for the Corporation of Staunton. This court had the same authority as the county courts and met on the third Monday in every month. There were other courts meeting in Virginia that had jurisdiction over Staunton residents on certain subjects, such as the District Court of Chancery for the Staunton District, but it was the Hustings Court that became the basic court for Staunton and took over the recording of deeds and the probate of wills as well as the trial of lawsuits. This Hustings Court was later called the Corporation Court and then the Circuit Court for the City of Staunton.

When meeting as the Hustings Court, the Aldermen were referred to as "Gentlemen Justices." A series of order books was begun, separate from the Council Minutes, to keep a record of the actions of the court. These books remain in the Circuit Court Clerk's Office. The older ones have recently been restored through a grant from the Virginia State Library. Until 1935, the clerk or a deputy, would hand copy the orders into the order book. From 1936 until 1969 court orders were typed into the order book. Beginning in 1969, the original orders were microfilmed and prints were made from the microfilm to place in the book. Until 1905 and 1906 respectively, deeds and wills were also hand copied into the deed books and will books. The deeds and wills were typed until 1954 and microfilmed thereafter.

The first session of court was held on April 19, 1802, in the county courthouse. The mayor, Jacob Swoope, presided, along with John Bowyer, Recorder, and John McDowell, Jacob Leas, Michael Garber, and Walter Herron, Gentlemen Justices. Their first order of business was to elect a clerk, Vincent Tapp, who then posted a three thousand dollar bond to the governor, James Monroe.

The following positions were also filled that day:

Sergeant for the Corporation:	Smith Thompson
Prosecutor for the Commonwealth:	Thomas Griggs, Esquire
Commissioner of the Revenue:	John McClenachan
Constables:	Joseph Dickey John Wise
Overseers of the Poor:	Andrew Bary Michael Garber, Jr.
Coroners:	Robert McDowell John Johnston
Surveyor:	William Wilson
Jailer:	William Forbes

In general, the Sergeant for the Corporation performed the same duties as the current City Sheriff, the Prosecutor for the Commonwealth performed the same duties as the current Commonwealth's Attorney, and the Constables performed the same duties as the current police department. The Overseers of the Poor assumed the role formerly performed by the vestry of the local Church of England, that of general charity and social work.

The Gentlemen Justices then turned to their first case, a breach of the peace charge against William Hart on the complaint of John Fisher. The defendant was ordered to keep the peace for one year and post a one hundred dollar bond with surety. If he "shall be of good Behavior towards all the good citizens of this Commth [sic], particularly towards the said John Fisher for one year" the charges would be voided. In other words, he was put on probation for a year, similar to what still is sometimes done with first offenders in this court.

Michael Garber, Jr. and James McGongal were each granted permission to keep an ordinary at their houses for one year. According to Black's Law Dictionary an ordinary is "a public house where food and lodging are furnished to the traveler and his beast, at fixed rates, open to whoever may apply for accommodation, and where intoxicating liquor is sold at retail."

A deed from Andrew Woodrow and Mary his wife to William Chambers having been acknowledged in the County Court of Hampshire was presented and ordered to be recorded. A copy of this deed is still on record in the first deed book in the Clerk's Office.

Another deed was recorded and then court was adjourned until the third Monday in May next.

On Monday May 17, 1802, the Court met again with all Justices present except Walter Herron. The first matter was to hear the report of the grand jury which reported an indictment against John Reed, laborer, for selling spirituous Liquors contrary to law. (A review of the early sessions of the Hustings Court indicates that all matters concerning liquor were very much on the minds of early Stauntonians.) John Reed was ordered to show cause on the next court date why charges should not be filed against him.

Five citizens who had been called for grand jury duty that morning, but did not show up, were fined eight dollars each unless they appeared and gave good excuse for their absence. Apparently the word got out quickly and all but one showed up at some time during the day's court session, gave a good excuse, and had their fines remitted.

The last order of business that day was to set the rates that ordinaries could charge for certain services as follows:

	<u>cents</u>
Breakfast	0.25
Dinner	0.42
Servant's Dinner	0.16
Quart of Maderia Wine	1.25
Quart of Port Wine	1.00
Quart of Sherry Wine	1.00
Quart of Lisbon Wine	1.00
Quart of Teneriff Wine	1.84
Quart of Malaga Wine	1.84
Quart of Rum Punch	1.50
Quart of Rum or Brandy Toddy	1.37 1/2
Gill of Fr: Brandy	1.16
Gill of Gin, Apple or Peach Brandy	1.08
Gill of Cherry Bounce	1.08
Gill of Whiskey (& in proportion for a greater quantity)	1.06 1/4
Bottle of Porter	1.50
Quart of strong Beer	1.12 1/2
Quart of small Beer	1.06
Quart of boiled or raw cyder	1.12 1/2
Gallon of corn or oats	1.12 1/2
Lodging per night	1.16
Hay and Stableage for 12 horses per horse	1.25
Pasturage per horse	1.10

The first marriage bond was issued on May 6, 1802. The first will was probated on September 20, 1802.

The court has met continuously since that time including the civil war period. Rather than once a month, it now meets about

three times a week. Of course, deeds are recorded, wills probated, marriage licenses are issued, and court papers are filed every day in the clerk's office.

The state adopted a new constitution in 1869 which called for a City judge to be elected by the General Assembly for each city or town which had a population of 5,000 or more for a term of six years (now eight years). J. W. Green Smith was elected as the first judge to replace the gentlemen justices who had been holding court up until that time, taking office on November 1, 1870.

In an early form of regional cooperation, both the Staunton Hustings Court and the Clerk's Office used the Augusta County Courthouse until the late 1800's. In 1878, the City purchased the building at 113 E. Beverley St. for use as a City Hall. This building was constructed sometime between 1870 and 1877 and was originally used as a Grange Hall. This is the building that is now the City Courthouse (old City Hall). On August 9, 1878, the court ordered that the Clerk's Office for the Hustings Court be moved to a room in that building. On November 30, 1878, the City sold its interest in the Augusta Courthouse to the county for \$3,500. In that deed it is mentioned that although the City had to surrender its right to have the Clerk's Office in the county courthouse, the Staunton Hustings Court would continue to hold sessions there until January 1, 1881. Reasonable compensation was to be paid to Augusta County for the continued use of the courthouse by the city.

Government moved slowly then, as it seems to now. On January 4, 1881, the City Council adopted a resolution to find a suitable room for the Hustings Court. On November 1, 1881, the clerk of the Hustings Court made a suggestion to City Council: "As the privilege of using the Augusta County Courthouse, by the Hustings Court terminated on the first of January last, would it not be proper for the Council to make an arrangement through the Committee on Finance, by contract, with the Supervisors of the County, for the use of the Courthouse in the future by our said contract, at a fixed rent for compensation until notice to terminate be given by either party?" On May 2, 1882, the Committee on Finance was authorized to negotiate with Augusta County on the continued use of the Courthouse.

The county began to get a little more insistent. On June 5, 1883, notice was received by the city from the county, "Because of the agreement, the Court of Hustings ceased to have use of the courthouse on January 1, 1881, but continued to use it. The County of Augusta respectfully requests authorities of Staunton to discontinue use of the Courthouse." City Council appointed a committee of three on November 3, 1885, to meet with the Supervisors of Augusta County to work on an agreement for continued use of the courthouse for the Hustings Court. The committee reported back to Council on November 21, 1885: "Augusta County suggested the City of Staunton pay Augusta County \$125 per annum, and the county to furnish the courtroom, jury

rooms, furniture and fixtures including fuel for the accommodation and convenience for holding the terms of the city court. The City of Staunton will make no charge against the county for water in the rooms used by county officers in the new building lately erected on the Jail lot." The committee recommended approval of the proposal.

Finally, on March 2, 1897, Council passed the following resolution, "Hustings Court has been using the County Courthouse at a considerable expense to the city and frequently the sessions of the court conflict with that of the County Circuit Court and is forced to occupy very uncomfortable quarters in the upper rooms, and there is now ample accommodation the City Hall for the said Court, be it resolved that one of the rooms in the City Hall be used for said Court." Judge Charles Grattan ordered on May 7, 1897, that the Sergeant prepare for the use of the Court, the room in the City Hall Building on the first floor, last occupied by the Staunton Life Association. Court sessions began there on May 8, 1897. This was sixteen years after the court was to have vacated the Augusta County Courthouse.

The court was not finished moving around, however. A recommendation was made to council on February 14, 1908, that "the Clerk's Office become the courtroom and the courtroom become the clerk's office." On August 1, 1908, Judge Henry W. Holt ordered: "The City of Staunton having provided a new courtroom for the session of the Court in the rear room of the City Hall Building, formerly used as the Clerk's Office, it is ordered that the Clerk of the Court do remove the records of his office and place them in the new vault erected for their reception and said Clerk here after occupy the front room of the East side of the hallway in the said City Office Building as the Clerk's Office of this Court. And it is furthered ordered that beginning with the August term next, the future sessions of this court be held in the new courtroom provided as, notice of which shall be posted by law."

Then, in 1929, the entire building was renovated. The Beverley Theater had been occupying the second and third floors. After this renovation, the city occupied the entire building and the Circuit Courtroom moved to the second floor where it remains today. From that time until the 1960's the third floor was the armory which included a basketball court. The lines for the court are still on the wooden floor under new carpet installed when the building was recently renovated again for use solely as a courthouse. During this latest renovation an additional courtroom on the second floor was added for the Circuit Court. While the building was being renovated, the court primarily met in council chambers at the new City Hall, but returned to the Augusta County Courthouse for jury trials.

At various times while it was the City Hall this building contained many city offices and agencies in addition to the Circuit Court. These include: General District Court and Clerk's Office (still there), Sheriff's Office (still there),

Juvenile & Domestic Relations Court and Clerk's Office, Commissioner of Revenue, Treasurer, Council Chambers, Clerk of Council's office, Registrar, Draft Board, City Manager's Office, Water Department, Planning Department, Assessor's Office and Engineering Department.

The Clerk's Office remained on the front east corner of the building up until the recent renovation. In the mid 1960's it expanded into the vault immediately adjacent to the vault that had been built for it in 1908. This second vault had been used by the city and opened onto the hall. That entrance was closed and a new one created so that it could be entered through the vault in the Clerk's Office. That still left a small office, so in the mid 1970's another vault was constructed in the basement under the existing vault and the Clerk's Office expanded there. The Clerk's Office was moved to the third floor during the recent renovation and now has plenty of room for its records. The vault in the basement remains, but the vaults on the first floor were removed and the General District Court occupies that area.

The Virginia Constitution of 1902 changed the name of the Hustings Court to the Corporation Court. Prior to that time the court was known as the Hustings Court for the Corporation of Staunton, the Hustings Court for the Town of Staunton, and simply a Court for the Corporation of Staunton. The term "hustings" means held inside. It apparently was carried over from the English court system where there were several courts referred to as Hustings Courts. Pursuant to legislation passed in 1964, the court became part of the Eighteenth (now Twenty-fifth) Judicial Circuit and has been known since then as the Staunton Circuit Court.

Thomas E. Roberts
Clerk, Staunton Circuit Court

HISTORY OF THE STAUNTON CIRCUIT COURT

PART II: THE JUDGES AND OFFICERS

From its origin in 1802 until 1870, the Staunton Hustings Court, predecessor to the Staunton Circuit Court, was presided over by the Staunton Mayor, Recorder, and Aldermen, who were referred to as "Gentlemen Justices." The state adopted a new constitution in 1869 which called for a city judge to be elected by the General Assembly for each city or town which had a population of 5,000 or more for a term of six years (now eight years). Judges were elected specifically for the Staunton Hustings Court. In 1902 the name of the court was changed to the Staunton Corporation Court.

After the Corporation Court became a Circuit Court in 1964, judges were appointed for the entire circuit. However, the Chief Judge for the circuit generally assigns one of the circuit judges to sit primarily in Staunton. Judge C. G. Quesenbery, Judge of the Waynesboro Court and Wm. S. Moffett, Jr., Judge of the Augusta County Circuit Court, were appointed Judges of the Staunton Corporation Court in 1963, upon the death of Judge J. H. May. When the court became a circuit court the following year, it was Judge Moffett who became the primary judge for the Staunton Circuit Court. When Judge Rudolph Bumgardner, III, was elected in 1978, he became the primary judge for Staunton. There follows a list of the judges for the Staunton Circuit Court and its predecessors. The position has been a stable one, as there have been only nine judges over the past 127 years, with one judge serving for only one year. Judge Henry W. Holt went on to become a justice of the Virginia Supreme Court.

JUDGES

J.W. Green Smith	11/01/1870	-	11/01/1887
Charles Grattan	12/20/1887	-	01/01/1901
Henry W. Holt	01/01/1901	-	01/31/1912
Richard S. Ker	02/01/1912	-	01/12/1937
Floridus S. Crosby	01/19/1937	-	02/12/1942
J.H. May	02/12/1942	-	10/20/1963
C. G. Quesenbery	10/25/1963	-	1964
Wm. S. Moffett, Jr.	10/31/1963	-	01/01/1984
Rudolph Bumgardner, III	02/02/1978	-	

When Judge J. W. Green Smith took the bench in 1870 the effects of the Civil War were still being felt. The oath he took contained, among other things, the following language: "I recognize and accept the civil and political equality of all men before the law," and "I have never taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial Officer of any State, to Support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the

same, or given aid or comfort to the enemies thereof."

The office of clerk of court has been associated with the Staunton Circuit Court since its beginning. In the early days of Virginia, clerks often served both as clerk of the court and the governing body of the county or town. Between meetings of the court and governing body, the clerks frequently served as chief administrators and basically ran things for the county or town. Often the clerk was the only lawyer in the county, so the Gentlemen Justices who were laymen had to rely on him for legal advice. Clerks were also important parts of the "machine politics" of the early part of this century. Political leaders depended upon the clerks to rally local support for their statewide candidates.

The clerk of the Staunton Circuit Court with the longest tenure was Newton Argenbright, who served for 38 years around the turn of the century. He was also clerk of council and died in office at age 75. He was a printer and a deputy clerk before becoming clerk. The Staunton Bar (the lawyers who practiced in Staunton) passed a resolution upon his death in 1920. Their high opinion of Mr. Argenbright (and their way with words) was evident by the text of the resolution, a portion of which stated:

"In the discharge of his official duties, he was faithful, efficient and industrious; and his knowledge of the business affairs of both the city and the court was far-reaching and valuable. It is not merely, however, for the fidelity and care with which he discharged his duties as clerk, that he will be long and best remembered. Newton Argenbright was a man of unobtrusive manners of unvarying patience and courtliness and kindness; forgetful of his own comfort and ease in his desire to serve others, cheerful and contented in his daily work and conversation, and as exemplary a citizen in all the relations of life as every lived in this city. He spoke no evil of anyone; and it made be truthfully said of him that probably no human being ever entertained an unkind thought or spoke an ungenerous word of him. He had a multitude of warm friends and no enemy. In the death of this noble Christian gentleman, who had served his country in war with the same fidelity and modesty and self-effacement with which he served it in peace; whose civic spirit was abundant and overflowing, and whose hand, without ostentation was always stretched forth to aid the helpless, the suffering, and the poverty stricken, the City of Staunton has suffered a great loss. To the members of the Bar, the judiciary, and the officials of the City this loss is inexpressible. They mourn his departure as that of a good man, and a good friend, whose life was an example and an inspiration, and they tender to his family their sincere and heartfelt sympathy, and the expression of their abiding sorry."

That was a tough act to follow. In fact, his successors did have trouble. He was first succeeded by his son, Heiskell, who died after having served only two years, then his daughter-in-

law, Irene Argenbright, who served eleven days, and then Joseph B. Woodward, who served three months.

A list of the clerks and their terms of office are as follows:

CLERKS

Vincent Tapp	04/19/1802	-	04/19/1824
Walter H. Tapp	04/19/1824	-	03/05/1838
Erasmus Stribling	03/07/1838	-	02/05/1845
James F. Patterson	02/05/1845	-	03/15/1869
Samuel J. Baird	03/26/1869	-	04/06/1870
James F. Patterson	04/06/1870	-	04/27/1882
Newton Argenbright	04/27/1882	-	09/20/1920
Heiskell Argenbright	09/ /1920	-	10/03/1922
Irene Argenbright	10/05/1922	-	10/16/1922
Joseph B. Woodward	10/16/1922	-	01/31/1923
Jacob Hevener	02/01/1923	-	12/31/1938
Earl McF. Taylor	01/03/1939	-	09/18/1951
Edith H. Paxton	09/20/1951	-	12/31/1978
Margaret W. White	01/01/1979	-	08/01/1991
Thomas E. Roberts	08/01/1991	-	

It is interesting to note that James F. Patterson was removed by Maj. Gen. George Stoneman, Commander of the First Military District in 1869 and replaced by Samuel J. Baird. Baird had to take several oaths, including one that stated: "I have never voluntarily borne arms against the United States since I have been a citizen thereof, that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or Constitution within the United States or inimical thereto." When Baird failed to renew his bond pursuant to an act passed by the General Assembly a year later, a vacancy was created which was filled by the Court appointing Patterson to his former position. When some historical notes about the Staunton Circuit Court were put on record in 1968, Baird is not listed as a clerk. It is unknown as to whether that was an oversight or a deliberate failure to recognize the action of the "Yankee" government.

There is some uncertainty about the nine day term of Irene Argenbright. Although she was appointed as "clerk," the order accepting her resignation refers to her as "temporary clerk." After her resignation she was appointed a deputy clerk. It should also be noted that Earl Taylor's wife, Kathryn H. Taylor, who had been a deputy clerk, was appointed "Acting Clerk" for a three-year period, while he served in the military during World

War II. Mr. Taylor did not resign during this time and resumed his office upon returning to Staunton. At any rate, the first female full-term clerk was Edith Paxton.

During the early 1800's, attorneys were appointed by the Court to prosecute cases for the Commonwealth and were referred to as "Prosecutor for the Commonwealth," "Attorney for the Commonwealth" or "Deputy Attorney for the Commonwealth." This office evolved into the current office of Commonwealth's Attorney, which is a popularly elected position. A list of those who have served in these positions is as follows:

Thomas Griggs	1802	-	1803
John Bowyer	1803	-	1806
Samuel Clarke	1807	-	1817
James Crawford	1818	-	1819
John H. Peyton	1819	-	1825
Thomas J. Stuart	1825	-	1825
Henry L. Tapp	1825	-	*
*records are missing between 1831 and 1838			
Thomas J. Michie	*	-	1843
Chapman Johnson, Jr.	1843	-	1857
William L. H. Baylor	1857	-	1863
Chapman Johnson	1863	-	1866
Alexander B. Cochran	1866	-	1870
S. Travers Phillips	07/01/1870	-	06/30/1872
Meade F. White	07/01/1872	-	06/19/1873
Thomas C. Elder	06/19/1873	-	06/30/1880
Edward Echols	07/01/1880	-	11/03/1883
Richard P. Bell	11/03/1883	-	06/30/1884
Edward Echols	07/01/1884	-	07/01/1886
A. C. Braxton	07/01/1886	-	07/01/1890
A. C. Gordon	07/01/1890	-	06/30/1892
James Lewis Bumgardner	07/01/1892	-	06/30/1896
Joseph A. Glasgow	07/01/1896	-	06/30/1898
Carter Braxton	07/01/1898	-	07/07/1898
Herbert J. Taylor	07/08/1898	-	01/05/1899
Carter Braxton	01/05/1899	-	11/18/1899
Floridus S. Crosby	11/20/1922	-	02/01/1929
Herbert J. Taylor	02/01/1929	-	05/09/1945
Fitzhugh Elder, Jr.	05/15/1945	-	12/31/1963
Philip Lee Lotz	01/01/1964	-	04/30/1964
Thomas Claybrook Elder	05/01/1964	-	02/29/1972
Thomas H. Wood	03/01/1972	-	12/31/1973
Raymond C. Robertson	01/01/1974	-	

William L. H. Baylor, who was Attorney for the Commonwealth at the start of the Civil War, went off to fight in that war and was killed in action. The following entry was made in the court records:

"It having been announced to the Court that Col. William L.

H. Baylor, Colonel commanding the 5th Regiment of Virginia Volunteers, and the Attorney for the Commonwealth in this Court, was slain in battle, on the field of Manassas, on Saturday the 30th day of August, whilst acting Brigadier General leading the Stonewall Brigade gallantly bearing the flag of his Regiment in defense of the rights and liberties of his country against her ruthless invaders; and the Court being desirous of testifying its respect for the high character of Col. Baylor as a gentleman, for his fidelity and ability as the representative of the Commonwealth, and for his generous, chivalrous, manly and patriotic conduct as a Soldier, doth Order that the following entry be made upon its records:

The Hustings Court of Staunton have heard with deep feelings of grief of the death of Col. Baylor while gallantly discharging his duty as a Soldier in the defense of his Country, and will ever cherish a grateful and affectionate remembrance of those private virtues which so endeared him to his large circle of devoted friends, and of those more shining qualities which attracted toward him the confidence, respect and admiration of his countrymen.

Ordered, that the Clerk of this Court do transmit a copy of the foregoing order to the Widow and parents of Col. Baylor, with the assurance that this Court, in common with the whole community in which Col. Baylor was reared and resided, are painfully sensible of the deep affliction which has befallen them, and most respectfully and affectionately tender to them their sympathy and condolence in this their hour of overwhelming sorrow.

Ordered, that as a farther testimonial of the high appreciation by the Court of the memory of their departed friend Col. Baylor, this Court do now adjourn."

The elected constitutional office of Sheriff for the City of Staunton was not created until 1972. Prior to that time the position of City Sergeant or Sergeant for the Corporation existed. First a court appointment, it later became an elected position. After a change in the law in 1972, Marshall Hanger, who had been City Sergeant for many years, became the first elected Sheriff for the City. A list of City Sergeants and Sheriffs follows:

Smith Thompson	1802 - 1809
James Peebles	1809 - 1820
James H. Peck	1820 - 1823
Mosley Stereman	1823 - 1825
William Chamber	1825 - 1826
Robert Hemphilo	1826 - *
* records missing from 1831 - 1838	
John Garrot	* - 1839
Samuel Clark	1839 - 1842

Franklyn T. Geiger	1842 - 1844
Samuel Clark	1844 - 1849
William Craig	1849 - 1858
Henry H. Peck	1858 - 1860
Robert W. Stevenson	1860 - 1864
William L. Balthis	1864 - 1865
Jacob S. Parrent	1865 - 1873
Levi Shafer	1873 - 1875
William D. Runnels	1875 - 1888
Logan Turner	1888 - 1900
E. D. Bell	1900 - 1928
K. M. Lipscomb	1928 - 1930
John S. Lee	1930 - 1942
W. J. Swink	1942 - 1945
W. L. Angor	1945 - 1950
Richard H. Stratton	1950 - 1961
Marshall E. Hanger	1961 - 1978
Edgar P. Smith	1978 - 1991
<u>E. Sidney Trott, Jr.</u>	1991 -

In the early days of the Court, the City Sergeant sometimes had to carry out the sentence of the Court. On April 11, 1863, Mary C. Hackley was found guilty of petty larceny. The Sergeant was ordered to "inflict upon her bare back twenty lashes." The City Sheriff no longer has that kind of duty. He now is primarily responsible for courtroom security, the transport of prisoners, and the service of official court papers on the appropriate individuals.

Thomas E. Roberts
Clerk, Staunton Circuit Court

HISTORY OF THE STAUNTON CIRCUIT COURT

PART III: THE RECORDS

The records on file at the Staunton Circuit Court contain a little bit of everything about people's lives. There are records of births and deaths, and, marriages and divorces. There are records of businesses just starting and businesses going broke. There are records of what things people owned when they left this world and who they wanted to have them. There are records of crimes and broken promises. For the 195 years the court has existed, it has recorded a vivid picture of what life has been like for Stauntonians.

The plight of African-Americans was not easy in the early days, even if free. Free Negroes had to be registered with the Court. One entry on record in 1853 reads: "Charles Bryan, a Negro man having satisfied the Court that he was born free in the Town of Staunton, It is therefore ordered that he be registered according to Law, by the following description - aged (now) about twenty one years - pale black colour - five feet, nine and three fourth inches high - of a cheerful countenance when in a good humor - but of a sulky one when not - no marks or scars remarkable, visible." One wonders who wouldn't fit that description as to disposition.

One of the duties of the court is to give oaths to various officer holders which are then kept on file. The text of these oaths change over time depending upon the circumstances and the office involved. In an earlier part of this history reference was made to the loyalty oaths that office holders had to take after the civil war. Another of the more interesting oaths was the anti-dueling oath. There are references to it as early as the 1870's and as late as the 1920's. When C. H. Hutchinson was sworn in as a member of the Common Council in 1920, his oath included this language: "I swear that I have not, while a citizen of this State, since the tenth day July, nineteen hundred and two, fought a duel with a deadly weapon, or sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed such challenge, or aided or assisted in any manner in fighting such duel: and that I will not fight a duel with a deadly weapon, or send or accept a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly convey such challenge, or aid or assist in any manner in fighting such duel during my continuance in office."

The court records contain references to foreign born people who wished to become citizens of the United States. One such 1871 entry states: "Thomas P. Reagan, a Native of Ireland, appeared in Court, and ~~an~~ on oath declared that it is bona fide his intention to become a Citizen of the United States, and to renounce and abjure all allegiance which he may owe to any

Foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to Victoria, Queen of the United Kingdom of Great Britain and Ireland."

Another type of record that was kept for a period of time in the Circuit Court were Coroner's Reports. One of the longest and most interesting dealt with the poisoning of five inmates (the term used then) at Western State Lunatic Asylum (now Western State Hospital) early on the morning of February 24, 1883. George Harlan, the City Coroner, summoned six jurors to view the bodies at Western State at four o'clock that same day. The jury then began a lengthy inquest, meeting many times over the following weeks.

They took testimony from Dr. Robert S. Hamilton, who was Superintendent of Western State. He described being hurriedly summoned from his home to the scene at seven o'clock in the morning. Upon arriving he found four inmates already dead, one dying, and three others violently ill. He ministered to them as best he could and left directions for the assistant physician and attendants. He then went over to the city to the home of Judge Quarles, the nearest member of the Board of Directors of the Asylum, and found him sick in bed. After a brief conference, he went to the telegraph office and telegraphed Dr. J. W. Mallett, Chairman of the Department of Chemistry at the University of Virginia, to come on the first train. Next he went to the office of Edward Echols, the Commonwealth's Attorney, to report the matter. Echols said he would vigorously investigate the matter and would sent a coroner's jury out as early as possible.

Dr. Mallett testified that he examined the stomachs of three of the victims. He found alkaloid of aconite, a poison. After hearing more testimony from others at Western State, the coroner's jury concluded that the victims were poisoned and that the poison was administered with their medication, but they could not determine how the poison got into the medication.

Apparently no one was ever charged with the crime, despite reports of a Pinkerton detective being brought down from Philadelphia to pose as an inmate at the Asylum. There were also allegations that this incident was part of a plot, which included other incidents such as a race riot in Danville, to embarrass the administration in Richmond (the "Readjusters"). In fact, the administration was brought down in the next election, and the Democrats began a rule of power that lasted until the 1970's.

Although the vast majority of trials in the Staunton Circuit Court take place in less than a day, there are a few exceptions. By coincidence, one of these cases was tried near the time of the Western State incident and also involved a poisoning. Margaret Greaver was charged with attempting to kill Florence Meredith by putting strychnine in candy and mailing it to her. Ms. Greaver

was defended by three lawyers, W. S. Craig, James Bumgardner, and J. H. McCue. Her first trial began on July 5, 1883 and lasted thirteen days. The jury deliberated three days before coming back hopelessly hung. The judge dismissed them and ordered a new trial using jurors from Augusta County. In the meantime bail was denied and Ms. Greaver remained in jail. Her second trial began on September 10th and lasted nine days. The jury again deliberated three days, but this time came back with a "not guilty" verdict.

The cases handled by the Staunton Circuit Court are serious ones and are of the utmost importance to the parties involved. There have been, however, some lighter moments during its sessions. One day some time ago, a judge who sometimes substituted in the Staunton Circuit Court discovered just prior to going on the bench that the zipper on his pants was broken. A deputy clerk (male) was summoned and the pants were rushed to a tailor across the street. They could not be repaired in time for the start of court, however. The judge decided to don his robes, pull up his socks and hold court without any pants on. It is assumed that there were no indecent exposure cases on the docket that day.

Witnesses are often nervous and have trouble understanding the questions put to them. One man, when asked how far he had gone in school, replied "about a mile and a half." Another who was asked for his address gave his former address. He was then asked where he was now. He answered, "the witness box." One witness maintained that he had a disability. When asked what it was he replied that, "he was from Craigsville."

Cases tried in the General District Court can be appealed to the Circuit Court, where a new trial is held. The Circuit Court Judge is not bound by the decision of the lower court. One time a man appealed his case to the Circuit Court, thinking the decision of the General District Court was too harsh. However the Judge of the Circuit Court gave him an even harsher sentence. At the conclusion of the case, when the Court was advising the man of his rights of further appeal to the Virginia Supreme Court, he asked if he could "appeal his case back down to the Judge of the General District Court". Suddenly the lower court decision looked pretty good.

Thomas E. Roberts
Clerk, Staunton Circuit Court