Wellsprings of Democracy in Virginia, No. 23:

York Is the County of the Revolution

By Elwood Street

Photographs by the Author

FROM Williamsburg eastward winds the Colonial Parkway, one of America's most beautiful automobile roads.

Between walls of vivid green—pine, oak, gum and holly—it runs. These walls are so continuous that the Parkway seems almost like a corridor with the sky as its arched and dazzling roof. Finally the corridor ends, and the Parkway becomes the center aisle of a horizon-bounded amphitheatre of spreading flats, where waters of tidal inlets whisper among marsh grasses. On the left lies the wide York River, an even deeper blue than the sky. White sails fleck the river surface; and, toy-like in the distance, a ferry boat slides into the slip at Gloucester Point, tiny on the far, low northern shore of the river. The scene is so beautiful and charming that it seems theatrical. And theatrical it is; the theatre of operations of several of our wars.

The wars quickly press upon the Parkway. It passes on the right a United States Marine Hospital and the Naval Mine Depot.

Into the river on the left, naval piers project, like the ugly broken teeth of Mars.

The Parkway swirls about a British outwork of the siege and surrender of 1781. The National Park Service has restored the fort. It is complete with sharpened outward-pointed stakes. Old muzzle-loading bronze field pieces glower through notched embrasures in the sodded embankment.

The Parkway, now highway, drops to the beach and runs along it at the foot of a high bluff. Restaurants and soft drink stands are ranged between the road and bluff. Filling stations and oil tanks obscure the river view.

Army trucks and passenger cars stand in line to enter the ferry boat which is just discharging its southward-bound vehicles. The ferry is a vital link in United States Route 17, the George Washington Highway, great north-and-south traffic artery.

It continues briefly under the bluff; then swings sharply right toward the top of the hill. On the way up the route passes the great monolithic marker which locates the site of the home of Nicholas Martiau, first settler of Yorktown. He was the first American ancestor of both George Washington and General Thomas Nelson, governor at the time of the siege of Yorktown. These two descendants of Martiau were third cousins.

At the top of the hill Route 17 turns left on a street, sign-posted "Main." Fifteen miles have been traversed from Williamsburg.

This is the Main Street of Yorktown, seat of York County. No need to recount its story of the pursuit of Lord Cornwallis British army to this spot by the French and American armies of Lafayette, Rochambeau, St. Simon and Washington; of Count de Grasse's French fleet in the river preventing Cornwallis' escape or relief; of the siege, of Cornwallis' surrender on October 19, 1871, which practically ended the Revolutionary War. No need, either, to describe the many architectural and military relics of those days which have made of this town of 300 a National Historical Park under the control and development of the National Park Service. These are amply described in guide-books and well known to tourists and to most school children, past and present. Most appropriately, Governor E. Lee Trinkle once said, "It is a shame for any boy or girl to be born in Virginia and never see Yorktown."

Relics of Silk Culture

At the left-hand, northeast corner of Route 17 (Ballard Street to Yorktowners) and Main Street is the courthouse green. On the very corner, with its back to the hill-climbing street, is the gray, stucco-covered clerk's office.

Just beyond it, facing Main Street and close to it, is the York County Courthouse. Its front is masked by gnarled mulberry trees, relics of ancient hopes of Virginia silk culture. It was promoted by Edward Digges, governor from 1655-1657, who lived on the site of the present Naval Mine Depot. Just east of the courthouse gleams the new, white-painted, green-shuttered, one-story, frame post office.

The front of the courthouse is blocked to pedestrians by a rough fence of horizontal, unpainted boards. Scaffolding clings to the long sides of the brick building. Negro workmen, cheerily talkative, rip charred shingles off the roof and tear out half-burnt beams which they lower to the ground with block and tackle. This day is evidently the final one on which the courthouse will have a roof; and one of the last days on which in it will have any corporeal existence at all.

This little, white frame building is a restoration of the famous, old Swan Tavern, originally built in 1719-1722 and burned in 1863.

The front of the building is unadorned, except for a little, square, wooden porch over the front doorway. On either side of that doorway, a window blankly stares. At the second-floor level are three evenly-spaced windows, from which streaks of smoke run upward along the bricks toward the roof-gable. In its peak is another window. All its glass is smashed out. Its frame is charred by the same fires that broke through along the lower edge of the simple wooden cornice and stained with their smoke the bricks below.

A very death's head of a courthouse, with its sightless eyes of windows and with gaping, lifeless mouth of idly-swinging front doors.

Victorian Gingerbread

THE Victorian Age of courthouse birth is indicated by jigsaw work in the four corners underneath the porch roof. Against the wooden rails on either side of the porch, lean wooden benches reminiscent of the useful days before the fire. In the middle of the porch floor lies a big iron bell. It was cast, according to inscription, in Baltimore in 1893. Never again will it summon to sessions in this courthouse. On either side of the double door-frame are bulletin boards. From them still flutter water-stained applications for oyster planting grounds and other legal notices of a life now fled forever from this structure; six months abandoned and so soon to vanish utterly from the scene of which it so long was part.

Inside, a central hallway runs the depth of the building. Off either side open one-time jury rooms and offices of county officials—apartments now dusty and filled with the debris of fallen plaster, shattered glass and broken furniture.

Close to the entrance, at the right of the hall, stairs lead to a second-floor hall which runs clear across the front of the building. The remaining depth of the second floor is filled with the courtroom. All its furniture has been removed. Walls are burned and stained with smoke. Great holes gape in the charred ceiling and are rapidly being increased in size by the workmen on the roof. The floor is covered with partly-burned laths and plaster. Desolate chamber of departed justice!

The reason for this fire-borne destruction, so rapidly being completed by man, is given by Edward M. Riley, historian for the local office of the National Park Service.

He is found on the opposite side of Main Street, in the dormer-windowed, second-floor headquarters of the National Park Service. This little white frame building is a 1933 National Park Service restoration of the old Swan Tavern, originally built in 1719-1722, destroyed in 1863.

Historian Riley is writing the history of York County Courthouse as a report for the National Park Service, cheerfully shares his research:

The courthouse was burned the night of December 30, 1940, by fire which probably started in a defective flue. That it was considerable of a fire is indicated by the fact that it took 75,000 gallons of water to put it out.

The ruins, now being pulled down, will be replaced by a building of Colonial design, for which the National Park Service has helped to draw the plans. The new courthouse will be the fifth upon this site.

Court was held in this county even before the eight original shires, of which York (then Charles River) was one, were established in 1634. The justices first met July 12, 1633, at Utimaria, the home of Colonel John Utie. They then rotated their meetings among their houses. In 1635, they met at the homes of Colonel Utie, John Chisman and J. L. Chew; in 1636, in the homes of those previously named and of five other justices.

Court Finally Given a Home

This practice was continued for a good many years. In 1658 the house of Captain Robert Baldrey, at Yorke Village on Wormley's Creek, below the old Moore House, was hired for court purposes. The county prison, stocks, pillory and ducking pool were erected close at hand. Yorke included Temple Farm, on which the Moore House stood, and sent its own burgess to the General Assembly as early as 1632.

In 1677, the court moved to Handsford House at the head of Felgate Creek. In 1679, it met at French's Ordinary and the near-by Half Way House and in 1680 bought the house of Andrew Reader, near the present Naval Mine Depot. A prison, too, was built there. Thus, for over 60 years, the county court circled about like a hound dog looking for a place to curl up and rest.

Circling days were over at last, though. By the act of the General Assembly in 1691, the judges of the county court were authorized to purchase 50 acres and to establish thereon the Port of Yorktown. The site chosen was near Kiskiack, on the site of the present Naval Mine Depot. There Martiau, a French military engineer who had come to Virginia in 1620 and had been employed by the colony, had patented in 1631 hundreds of acres of land for the purpose of importing settlers. He had represented both Kiskiack and Kent Island in Chesapeake Bay as a burgess in the General Assembly in 1631-2. The land was purchased by the county court from Martiau's grandson, Benjamin Read, son of George Read, who married Elizabeth Martiau. The name Kiskiack had given way to Yorke just as Yorke Village was superseded by Yorke Towne after Charles River Shire became York County. Lawrence Smith laid out the Benjamin Read land in half-acre lots, of which the original plot is still on record. The king, however, disallowed the act of 1691, but the purchasers of lots were given legal guaranty of possession. York did not become an official port town until 1705.

In the meantime, though, the inhabitants of the county successfully petitioned the General Assembly to move the court to the new town.

In 1697, the county court contracted for the erection of a courthouse and levied a tax of 28,000 pounds of tobacco for that purpose. The following March, the buildings were completed, and the court ordered the removal of the county weights, stocks, pillory and whipping post from the "old courthouse" to this, the first one in Yorktown, on the very site where the fourth so recently was burned.

The second courthouse here was built in 1730-33, along with new pillory and stocks. (Always the means for detaining and punishing offenders is not far from the courthouse's machinery for determining guilt.) In 1737, a new prison was built. Following the British occupation of Yorktown in 1781, the courthouse was used as a hospital by the French armies of Lafayette and Rochambeau.

Revolution's Imprint Strong

THIS is one Virginia town on which the Revolution made a greater impression than did the War Between the States. Yorktown is dominated by the Yorktown Monument, erected by Congress in 1881 on the bluff above the river, about a quarter of a mile east of the courthouse. The monument is 95 feet high, encrusted with symbolic bas reliefs and surmounted by a massive, white-marble female figure of victory. She stands with arms outstretched toward the old Siege works, as if welcoming to eternal glory the souls who fought and died there so that their young nation might survive. No Confederate monument (almost invariable companion of the Virginia Courthouse) is anywhere in sight.

Not only the War of the Revolution, but also the War of 1812, was seen by the second courthouse. Its life of democratic service came to an end, however, on March 9, 1841, when a great fire burned the courthouse, the church and the whole of the town below the hill except two houses. What a hazard fire was in the old days!

The court met in the home of Mathews Wills until the fourth courthouse was built in 1816-18. It stood until the night of December 16, 1863, when the explosion of gun powder, stored in it by Federal troops since May, 1862, obliterated the courthouse and all the adjacent buildings, including the jail, the clerk's office and the Swan Tavern.

Fire, again, and the biggest explosion in the history of Tidewater Virginia. . .

The explosion, the War Between the States and Reconstruction so unsettled York County folk that they went 12 years without a courthouse. Then, in 1875, was constructed the plain, brick structure, fourth of its line, which was burned at the close of 1940.

The new courthouse will be practically fireproof and more beautiful than any of its predecessors.

Unscathed by this latest fire, however, is the clerk's office to the left of the burned courthouse. Unscathed, too, by any of Yorktown's fires and vicissitudes are the records within it. They are practically complete, from the first court's sitting in 1633, are among the most complete sets of records in any Virginia county, and among the oldest, too.

The records, and their clerk, first had a special office of their own in 1708. It served during the Revolution, when the records were removed to Richmond for safekeeping. A century seemed to be old enough for a clerk's office, and a new one was built in 1808. From it, during the War of 1812, the records were taken to the home of the clerk. The clerk's office survived the Great Fire of 1814 and received the records again when danger of British invasion was over.

Records Hidden in Icehouse

When Federal troops approached, during the War Between the States, the clerk removed them to the icehouse of a near-by plantation. Thus, they escaped the explosion of 1863, which certainly would have blown them to Kingdom Come, as it did everything else in and around the courthouse green. The records also escaped the Richmond fire of 1865, which destroyed so many other Tidewater county records which had been removed to the capital for safekeeping from the Yankees.

County records are precious things, records of births, deaths, marriages, real estate transactions, court sentences and orders. Upon these records rest proof of paternity, legitimacy, property, guilt and innocence and innumerable other facts and rights indispensable to humanity and to the special responsibility of local government. Small wonder that county records are guarded so zealously and preserved so carefully, and that act of the General Assembly for over 40 years has required that in each county records be preserved in fireproof rooms. These records are, as it were, the lining of the wellspring of democracy!

The above photograph made last summer of York County Courthouse, burned December 30, 1940, is probably the last ever taken of the building.

York County's records, so solicitously preserved through all vicissitudes of fire and war, were finally established in the clerk's office which was built beside the new courthouse in 1875.

This 66-year-old office is built sturdily of brick, covered with stucco. Its plain ends go up in steps, at the top, to a chimney at each end of the slate roof. Barred windows and a steel door are in the one-storied facade opposite the west side of the courthouse. Under the eaves is a denticulated cornice whose teeth cast heavy shadows down the flat wall in the noonday summer sun. Over the central door is a simple sign, painted on the wall, in white letters on black, white-bordered background, "York County Clerk's Office."

Inside the building are three small rooms and a fireproof record-vault. On the wall of the reception room is a bronze tablet: "In memory of Bolivar Sheild, clerk of York County, Virginia—1848 to 1868—who saved all the county records, dating from 1633 to 1862, by taking them to the Mattaponi River and keeping them in an ice house until the end of the war." From that experience, some of the old records have water-marks, not put there by the paper-maker.

Clerk Floyd Holloway's legal competence (many Virginia county clerks are lawyers) is attested by framed certificates of the Bar Examiners of Virginia and a permit to practice law before the Supreme Court of Appeals of Virginia. He has been county clerk since 1919. Naturally, he knows the history of his county, says:

"York County (initially named Charles River) is one of the eight original shires set up by the General Assembly in 1634, to be organized on the same basis as English counties. As you know, court was organized here a year earlier, to meet the needs of the growing population.

"Accounts vary as to the derivation of the county's name. One authority says that the county was named after Charles, Duke of York, afterwards Prince of Wales and Charles I, the same Charles for whom the still earlier Charles City Corporation, later reduced to Charles City County, was named. Charles was king when our county was established, but 'York Plantation,' the nucleus of the county, had existed for a number of years and its representatives had sat in the General Assembly since 1631-02.

"Another authority holds that the county was named in honor of James, Duke of York, when the county was formed, and afterwards James II. He was made Duke of York in 1643.

"The county originally was composed of the plantations lying along the York River, then called the Charles. In 1643 the name of the river and of the county were changed to York."

Dozen County Children

THE original county extended all the way to the Rappahannock. From it were made 12 present-day counties. Lancaster County, made of sections of Northumberland and York Counties, was established in 1651. From it in 1673 came Middlesex and Rappahannock Counties. The latter disappeared in 1692 when it was divided into the present Essex and Richmond Counties. Gloucester County also was split off from York in 1651, and gave up Mathews in 1791. In 1654, York suffered further final diminution to 136 square miles by the excision of westward-lying New Kent, which in 1691 gave up King and Queen, and in 1702 King William. King and Queen lost Hanover in 1721 and Louisa in 1742. York was a real mother of counties.

And county clerks in this office and its predecessors have been mothering its records ever since "plantation" days.

Behind the clerk's office, Negro CCC boys in blue uniforms are rolling up sod and digging around ancient foundations that lie between the rear of the courthouse and the two-story, barred-windowed-and-doored jail. C. B. Bentzen, archeologist for the National Park Service, is supervising the digging. He explains that the foundations thus brought to light are those of the courthouse of 1733 and of three periods of jail construction here laid bare. Even the place of the courthouse explosion of 1863 has been discovered, a bulge where the foundations are pushed outward by the blast. That courthouse was T-shaped, the excavations reveal, as will be the new one. Archeologist Bentzen points to a tunnel under one of the jail foundations, says it must have been where some eighteenth century prisoners dug their way to freedom. Evidently, Virginians always have been liberty-loving.

Loving always liberty, and democracy as well. Here in the York County clerk's office are the records of over three centuries of democratic local government; transmitted to 12 county children; but continuing at its wellspring undiminished through war and fire, and good times and bad. This spring becomes a stream—a flood of Government by and for the people, that flows on like the broad and deep York River, into the world-encompassing sea of human life.

[This material was collected and photographed by Mr. Street during his vacation last summer. Local material is supplemented by WPA's "Virginia, a Guide to the Old Dominion," and by James Luther Kibler.]