

CHAPTER III

LOCATION AND DESCRIPTION OF CRAWFORD COUNTY COURTHOUSES

The first county seat of Crawford county was at the house of John Jay, who lived on the north side of the Arkansas River, about half way between the eastern and western boundaries of the county. On October 22, 1821, the General Assembly appointed as Commissioners to select a permanent location: Clark Saunders, John McLain, and John Wilson. Sometime during 1822, they selected a location a few miles from the home of John Jay, but it did not seem permanent as it was soon removed to Fort Smith. From Fort Smith the county seat was again removed to McLain's Bottom, now Roseville. The county seat was next located at Crawford Old Court House on Arbuckle Island.

It is to be regretted that no dates have been obtained of the establishment and removal of different seats of justice of early Crawford county. The Little Rock Advocate has this to say in the issue of January 12, 1831.

"The county seat of Crawford is handsomely situated on a bluff immediately on the bank of the river, opposite as has been observed, to the large bottom and thriving neighborhood and contiguous to the Mulberry Creek."

From Crawford Old Court House the seat of justice went to Whitson's place. In May, 1836, John Hale, Thomas Phillips and William Scott, as commissioners were advertising lots for sale at Whitson on Big Mulberry, as it had been selected as permanent location for the large, populous, and fast growing county of Crawford. Whether the lots could not be sold or for what reason the county seat did not remain there. The Beneaux farm now covers most of Whitson town, which was named for the Whitson family.

A wooden marker has been placed at Whitson town. Those present at the placing were Captain Joe Scott, Mrs. Jessie Halley, Miss Minnie Matthews, Mr. Artie Rogers, and Miss Clara B. Eno.

From Whitsontown the seat of justice was removed to Crittenden on Little Mulberry creek, now known as Pleasant Hill. So far no date has been found of this place. From Crittenden the county seat was removed to Van Buren in 1838 where it at last was permanently located.

No history of Crawford county would be complete without a story of the different court buildings, especially Crawford Old Courthouse, and the history made there. The kind of buildings used at John Jays and McLain's Bottom, are not definitely known, but they were either log cabins or in the second story of some store building, and was probably spoken of as the seat of justice. At Fort Smith it was probably held in some building within the first Fort enclosure. One writer says: "The Court building at Crawford Old Court House was a log one 15 by 15 feet with clapboard roof, puncheon floors, no hanging doors or windows." Another writer speaks of "one of the buildings being a two story log house." It seems that more than one building was used. Around these buildings were the homes of Judge R. S. C. Brown, Judge Jesse Turner, and Gilbert Marshall. Here came such noted lawyers as Robert Crittenden, James Woodson Bates, William Cummings, Albert Pike, Absolom Fowler, Benjamin Johnson, David Walker, Chester Ashley, Alfred Arrington, Andrew Scott, Archibald Yell, John Taylor, with Jesse Turner, R. S. C. Brown, Gilbert Marshall, and others to practice in the courts, where they had many hard fought legal combats. For several years the seat of justice was very noted and here was made much of the history of the State of Arkansas.

Albert Pike says, "when I went to my first court in Crawford county at Crawford Old Court House, Archibald Yell came there as a lawyer, and came near being drowned in the crossing of the Arkansas River on the ice, as Judge Johnson and I crossed. I remember that nineteen lawyers of whom I was one, more than half being from Fayetteville, slept in one room which was the Court room, and under it a faro bank was in operation every night."

Hallam gives many interesting incidents of this

court and lawyers.

"Judge Turner and Judge Brown had many characteristics alike. While Judge Brown's education was limited he had a great deal of good common sense. His eccentricities were many, and novel. He was ever regarded as an honorable and upright man, held the confidence and esteem of the people. Judge Turner was noted for his integrity, honesty, and uprightness, and stood very high among the people of the state. His word was never questioned."

In 1836, the county seat was moved to Whitsontown where it remained about a year. There the court was held in the upper story of Mr. Whitson's store.

Van Buren became the county seat in 1838. During a meeting of the General Assembly in 1838, a motion was made and carried to move the seat of justice to Van Buren. Section 4 provided:

"That it shall be the duty of the clerk of the circuit and county courts to remove the books, records, files, papers of every kind and description that in any wise appertains to said office, together with all tables, book cases, desks, and presses that belong to said office to the town of Van Buren on or by the 15th of February, 1838."

In the "History of Northwest Arkansas," the writer says the first session of court in Van Buren was held in a little log house of but one room and a shed room for the clerk's office. It was located on Water Street half way between the corner of Main, and the foundry, having been moved up from Columbus and remodeled. It was used for a few years or until a Court House was built. In the first case the jury went out and sat on a cottonwood log, while they deliberated on the case. The judge was R. S. C. Brown.

When the seat was moved to Van Buren, there came along Judge R. S. C. Brown, Judge Jesse Turner, James Woodson Bates, George C. Pickett, to reside here. All of these spent their remaining days in Van Buren and vicinity. Albert Pike, who lived in Little Rock at this time, came here to practice in the courts.

The Public Square was donated to Crawford County

by David Thompson, and John Drennen, original owners of the townsite, in 1839, on condition that Crawford county should locate the seat of justice at Van Buren.

On the 8th day of September, 1841, the following notice appeared in the Arkansas Gazette:

“Notice to Mechanics: Sealed proposals will be received by the undersigned to the 1st of September, 1841, for the building and erecting in the town of Van Buren, a court house of the following size and dimensions, to wit; The court house is to be built 50 ft. Square, the wall to be 20 inches thick, with a stone foundation two feet beneath the surface of the ground and laid in good lime mortar. The house to be built of brick with four pilasters on each side, 3 feet wide, projecting 4 inches sitting on a water table of cut stone; the whole height of the building to the square to be 30 feet with a cornice, as shown on the plan of said house, with a copper gutter laid in the cornice, which is to extend all around the building; the house to have a hip roof, to be covered with tin, and finished with a dome as laid down in the plan, which is of an octagon form, supported by eight columns, with a spire running up with a ball and fish on top. The whole height from square of the building to be 45 feet, making from the ground 75 feet to the top of the spire. The house to have 23 windows with 24 panes each, and each light to be 12 by 16 glass; the windows to be finished with splaid jambs and pannel work, and the 7 windows in the court room to be recessed and pannelled, with proper finish, the frames throughout to be double box, and sash to be hung with weights and pulleys, the sash to be 1¾ inches thick and franked. The front door to be finished as laid down in the plan, with levelled panels, the other doors to be doubled work throughout. The bar to be finished as laid down in the plan; to have one flight of continued railed stairs; leading into the gallery. The gallery and railing around the bar to be an ellipsis, and finished in a neat and workmanlike manner. The whole to be floored over, with the exception of the main entrance, which is to be paved with brick to the inner doors. The whole to have suitable and sufficiently

strong timbers throughout. The window and doorsills to be of cut stone. The pilaster caps to have 4 down spouts with proper heads. The plastering throughout to be 3 coat work with good materials, and neatly and substantially finished. The brick in the outer part of the wall to be laid in white mortar. To have Venetian blinds 1¾ inches thick to all the windows; the doors and windows to be finished in a good substantial and workmanlike manner, and to be completed and ready for delivery to the undersigned by the first day of September, 1842. The contract will be given to the lowest and best bidder, who will be required to give satisfactory security for the faithful performance of his contract.

Henry Starr Jr.
County Commissioner

Van Buren, August 8th, 1841.

The Gazette, September 8th, 1841."

The writer has not been able to find any record of who was the successful bidder.

No specifications were given in regard to the size of the rooms or their location, so the writer has had to depend upon the memory of the older Van Burenites. Mrs. Bessie Quesenbury who had a splendid memory, said:

"As you entered the front door, there were two rooms on each side, the one on the left as you entered was one of the offices, presumably the sheriff's, the one on the right was used by different lawyers as they could get possession, at the rear of that was the court room with the rostrum on one side."

The writer remembers of attending entertainments there. The clerk's office was upstairs in the front of the building. Just where the stairs went up, can not be definitely remembered. There were jury rooms upstairs.

The court house was burned on March 23, 1877, soon after midnight. At that time the county and circuit clerk being one and the same occupied the front room upstairs. It being impossible to reach it from the inside, in an effort to save the records, a ladder was placed against the building directly under the window towards the

river, when the person who ascended the ladder, broke the window, and the air entered making the whole room break into flames, therefore, it was impossible for anyone to enter the room. The burning of this building was undoubtedly the work of an incendiary, as the odor of coal oil was very perceptible. It was thought to be someone who wished to do away with an indictment.

With the burning of this building, most of the valuable records, extending back to the formation of the county, in 1820, were destroyed; this led to many costly lawsuits over the property rights.

When arrangements were being made to rebuild the court house, Van Buren, who was sleeping on her rights, was aroused when she learned that Alma was strongly organized to obtain the county seat, thus an election was held to decide the question. While Van Buren won, Alma received a large number of votes.

When the four standing walls were examined, they were found to be safe and in good condition. So, Mr. M. W. Drewery, who had the contract for the brick work, used them in the new building, the shape of which was the same as the old one, but in place of the cupola, a town clock was installed. The addition of the wings to the building was made while Judge Fry was in office.

The Crawford County Court House was again remodeled in 1940, at a cost of \$98,000. A new wing was built as an addition to the old building which was erected in 1841.

The structure contains 32 rooms, all with dimensions of about 13 by 20 feet, a 36 by 72 foot Court Room, and a three story jail section. There are several large record rooms and vaults.

The Hardy Brothers Construction Company of Texarkana, Arkansas, was the general contractors; Bassham and Wheeler, Fort Smith, were the architects, and the prison equipment was installed by the Southern Prison Company, San Antonio, Texas. The furnishings in the remodeled Court House cost approximately \$10,600. The court house was remodeled during Judge Earl Ward's administration.

The Court House yard must not be overlooked, as it is very historic. At the commencement of the Mexican War, the Van Buren Avengers, a company composed of Crawford County men with John Seldon Roane, as Captain, met for drill here, and here Miss Julia Stewart presented the Van Buren Avengers with a flag from the citizens. The flag was received by Leonard Wilhalf, color bearer, 1846.

The first companies of the War Between the States, met and drilled on the court house lawn, and left from here for the scene of war. They were commanded by Captains Thomas Brown, James Stewart, and others. During this time, a group of Van Buren women, known as the Daughters' of the South, met in the Circuit Court Room and sewed, and made bandages for the soldiers, just as their descendants about 50 years later met in the same room, and sewed for the soldiers of World War I.

The president of the Daughters of the South, Mrs. A. J. Ward, cut from grey jeans, the entire uniforms for Capt. James Stewart's company of Crawford artillery, which the ladies made. Later, Confederate troops from this part of the state camped and rested on their way to the northern part of the state. After the Federals took possession of Van Buren, December 28, 1862, some of the Federal Soldiers camped here.

Very soon after the United States entered into World War I in 1917, the women of Van Buren organized and met in the same Circuit room to work for the soldiers, thus repeating the work of their ancestors, 50 years before. Later the Supply Company composed of Crawford and Sebastian men, met on this lawn to receive from the citizens of Van Buren, a flag which was presented by Mrs. Ruth Pape and received by Mr. James Cleveland.

A number of monuments are now seen on the Court House lawn. The large monument on the west side of the lawn, was first placed in Fairview cemetery, in 1899, when it was dedicated to the memory of Confederate Soldiers buried there, and who lost their lives in the battles of Elk Horn, Prairie Grove, and Oak Hill. The Mary Lee Chapter of Van Buren, United Daughters of

the Confederacy, sponsored the placing of the monument in Fairview cemetery. One large donor, a brother of Captain S. Churchill Clark, 20 years old, who lost his life in the battle of Elk Horn, asked that the monument be placed over the grave of his brother. This was done. The monument was later moved on August 4, 1906, at the request of the Sons of the Confederacy, to the Court House lawn where it can be seen today. It is made of fine Italian marble, is 21 feet in height, and is surmounted by a full sized figure of a Confederate Soldier. The inscription on the base of the monument reads: "1899-1861-C.S.A. 1865. Mary Lee United Daughters' of the Confederacy." Above the inscription appears, two Confederacy flags, crossed and above them in a scroll appears the words: "Furled, but not forgotten."

At the original dedication of this monument at Fairview cemetery, November 10, 1899, was a large group of Confederate soldiers, among whom were:

Name	Co.	Reg't.	Brigade	P. O.
J. M. Baxter	G	22nd Ark.	Hawthorn's	Van Buren
Chas. Bernie	C	22nd Ark.	Hawthorn's	Fort Smith
F. A. Boatright	C	36th Ark.	Hawthorn's	Van Buren
D. W. Brodie	G	22nd Ark.	Hawthorn's	Van Buren
John Brodie	G	22nd Ark.	Hawthorn's	Van Buren
E. B. Bryant	I	22nd Ark.	Hawthorn's	Mulberry
C. L. Carter	B	22nd Ark.	Hawthorn's	Van Buren
George K. Clark	G	22nd Ark.	Hawthorn's	Eads, P. O.
William Cotrill	B	King's	Hawthorn's	Van Buren
W. G. Doil	G	22nd Ark.	Hawthorn's	Van Buren
A. G. Lockhart	G	22nd Ark.	Hawthorn's	Van Buren
J. S. Mullen	G	22nd Ark.	Hawthorn's	Witcherville
Thomas Nathan	A	22nd Ark.	Hawthorn's	Dora
W. S. Peiruse	1st LC	King's	Hawthorn's	Fort Smith
S. S. Remey	I	Brook's	Hawthorn's	Mulberry
W. L. Rye	B	22nd Ark.	Hawthorn's	Fort Smith
W. H. H. Shibley	G	22nd Ark.	Hawthorn's	Van Buren
J. S. Shibley	G	22nd Ark.	Hawthorn's	Paris
A. C. Stevens	G	22nd Ark.	Hawthorn's	Mulberry
M. T. West	G	22nd Ark.	Hawthorn's	Van Buren
J. T. Willis	G	22nd Ark.	Hawthorn's	Dyer
Capt. J. C. Wright	E	34th Ark.	Hawthorn's	Chester
Ben Decherd			Fagan's	Van Buren
Ben T. DuVal			Fagan's	Fort Smith
S. M. Dyer	G	22nd Ark.	Fagan's	Dyer
J. M. Pendergrass	I	22nd Ark.	Fagan's	Mulberry
M. H. Wagner	C	1st Ark. Bt.	Fagan's	Mulberry
W. C. Wisdom	F	Brooks	Fagan's	Lone Elm
W. C. Bostick	G	3rd Ark.	Pierce	Van Buren

Name	Co.	Reg't.	Brigade	P. O.
D. W. Brodie	G	3rd Ark.	Pierce	Van Buren
T. W. Davis	G	3rd Ark.	Pierce	Van Buren
J. R. Howard	G	3rd Ark.	Pierce	Van Buren
L. Groff	I	3rd Ark.	Pierce	Van Buren
H. Keeper	A	3rd Ark.	Pierce	Van Buren
N. W. Matlock	G	3rd Ark.	Pierce	Lees Creek
R. E. Miller	I	3rd Ark.	Pierce	Lees Creek
I. Neal	G	3rd Ark.	Pierce	Van Buren
John Steward	I	3rd Ark.	Pierce	Van Buren
Sam Steward	I	3rd Ark.	Pierce	Lancaster
R. E. Swearenga	G	3rd Ark.	Pierce	Cove City
Charles T. Ward	G	3rd Ark.	Pierce	Van Buren
J. T. Bushmier	C	Gordon	Cabel's	Alma
Nat Couch		Gordon	Cabel's	Uniontown
William Cravens		21st Ark.	Cabel's	Fort Smith
W. T. England	Bugler	Monroe's	Cabel's	Van Buren
F. H. Foster	D	Brook's	Cabel's	Bentonville
A. G. Frisby	A	Harrell's Bt.	Cabel's	Van Buren
J. G. Furgeson	F	1st Ark. Bt.	Cabel's	Van Buren
H. C. Lane	K	Gordon	Cabel's	Mulberry
E. L. McConnell	D	Hill's	Cabel's	Clarksville
Hugh Morrow	B	Brook's	Cabel's	Van Buren
Charles T. Ward	QMS	Monroe's	Cabel's	Van Buren
A. R. Witt	Colonel	10th Ark.	Bowen	Van Buren
A. M. Bourland	Surgeon	15th Ark.	McCullough	Van Buren
James H. Berry	E	16th Ark.	Little's	Bentonville
W. A. Irwin	K	7th Ark.	Hyne's	Van Buren
W. L. Duncan	K	9th Ark.	Reynold's	Fort Smith
R. D. Hardester	B	14th Ark.	Herbert's	Catcher
J. R. P. Holt	C	10th Ark.	Hite's	Charleston
R. B. Langford	C	21st Ark.	Rush's	Van Buren
J. M. Marrs	C	13th Ark.	Price's	Mulberry
L. F. Montgomery	Byants			
S. G. Myers	O	Weightman's	Price's	
J. C. Rye	C	1st Ark.	Dockery	
W. C. Stevens	A	4th Ark.	Walker's	Van Buren
S. A. Wright	2nd S 4-B	1st Ark. Cav.	Green's	Alma
B. J. Brown	Qm	C. S.A.		
T. W. Marlar	A	Thompson's	Cabel's	
H. D. Brodie and Charles T. Ward were in two different companies				

At the northwest corner of the Court House lawn, is a monument erected by Sam Chew in honor of the first three U. S. soldiers who lost their lives in World War I. The monument was erected November 3, 1917.

Another spot on the Court House yard of historic interest is that of the location of the old sundial. The sundial first stood on the northeast corner of the Court House lawn, supposed to have been placed there soon after the erection of the Court House. Passersby set their watches from it. After the new Court House ad-

dition was completed in 1940, the lawn was landscaped and in so doing the old sundial was moved and thrown into a pile of rubble. It was found missing by an old settler of Van Buren, and after an advertisement in the Press-Argus it was located, and today can be seen near the bandstand, where it has been made secure by a concrete base. An old well was on the northwest corner, near the original location of the sundial, where the surrounding inhabitants secured water for themselves and their stock.

There is another monument on the northeast corner of the Court House lawn, placed there in the fall of 1937, by the Arkansas Division of the United Daughters of the Confederacy, honoring "Miss Clara B. Eno, who has done so much to preserve Arkansas history." The inscription on this monument enumerates many historic events which have taken place on this lawn.