

VIRGINIANA FILE

*Historic Sites
(Prince William Co.
Courthouse Site)
(Thine Duffries)*

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427-B Park Street
Charlottesville, Virginia 22901
28 September 1985

Mr. Patrick Mulhern
Planning Office Liaison
Prince William County Historical Commission
9258 Lee Avenue
Manassas, Virginia 22110

Dear Mr. Mulhern:

Enclosed please find my final report for the Benjamin Tompkins research project. I have enjoyed my work on this project, and I hope that the Historical Commission will find it informative and useful. Prince William County has a rich history, and I am glad that you have people interested in its preservation.

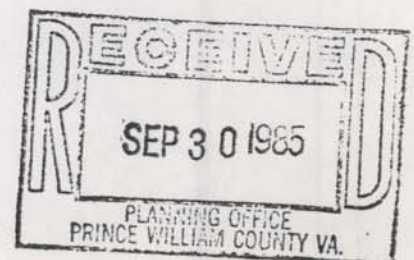
The report is self-explanatory, but if you or the Commission have any questions, please do not hesitate to call me. Thank you for your help as I was pursuing this project and for the confidence of the Commission in selecting me for this task.

With best wishes, I remain

Sincerely,



David D. McKinney



Benjamin Tompkins and
the third Prince William County Courthouse

FINAL REPORT

Submitted to
The Prince William County Historical Commission

by

David D. McKinney
Charlottesville, Virginia
30 September 1985

Benjamin Tompkins and
the Third Prince William County Courthouse

In the second century of the Virginia Colony, English civilization moved from the Tidewater region into the Piedmont creating the need for political divisions within those areas which had been considered wilderness. As the population grew, the divisions were reapportioned allowing the creation of new counties. An excellent example of the effects of the westward movement is the development of Prince William County. Carved from Stafford by an Act of Assembly in 1731, its boundaries as defined by statute remained for only a decade when Fairfax became an independent county. By 1759, Prince William County was divided for a second time to provide for Fauquier County. With each division, the seat of government for Prince William was moved in order to place it at a convenient distance for all the residents of the County. In the case of Prince William, the realignment of its geographical boundaries brought three different courthouse sites in thirty years. The third of these sites was the town of Dumfries.

Strategically located at the juncture of the Quantico Creek and the Potomac River, Dumfries had grown to become a prosperous port by the mid-eighteenth century. Serving the plantations of the northern neck and the Piedmont, it had been settled by Scottish merchants who served as factors for the major planters. Prominent men such as George Mason and Robert Carter of Nomini Hall had property and agents in the town.¹ The town was incorporated in 1749, and ten years later,

was selected as the seat of government for the county.²

Since Dumfries was not only the center of commerce, but the site of the parish church, the transfer of the government to the town was logical. It was supported by the town's merchants and town council. The formal transfer of the government to Dumfries occurred in the summer of 1759. On 13 June 1759, the court passed the following resolution:

The Board this day having taken under consideration the most commodious place for fixing the Court House for Prince William County, it was the opinion of the Council and accordingly ordered that the Courthouse for the said County be established in the Town of Dumfries . . .

Before the county seat could be moved, a building had to be erected. Until that time, the court decided that " . . . in the meantime the Courts be held in the old Place."⁴

The records which contain the information regarding the actual move to Dumfries are no longer extant. Unfortunately through the loss of these records, the date of the actual transfer of the county seat to Dumfries cannot be known. It also means the loss of the Court's specifications for the courthouse and the proceedings in regard to the selection of an undertaker for the project. From the court's procedure in building other civic structures, it can be ascertained that the court probably advertised for a person to construct a building, and the building specifications consisted of the general dimensions of the structure. Because of the lack of records, the applicants for the position are not known. From the records of payment, it is known that the builder was Benjamin Tompkins.

Tompkins was born on 19 September 1732 in Gloucester County, Virginia. His father was Christopher, who was born in the same county on 17 October 1705. His mother was the former Joyce Read.⁵ Benjamin

was their third son. When Tompkins was about seven years of age, his parents moved the family to Caroline County. Both his parents and Tompkins spent the remainder of their lives in that county. Christopher Tompkins' home in Caroline County was known as Maple Swamp.⁶ Besides farming, Tompkins speculated in real estate. Although he never held a position on the county court, he was called upon by the gentlemen justices as a surveyor of the roads of Caroline.⁷ He died in 1779, eight years after the death of his wife.

Benjamin Tompkins appears to have followed his father's example. During the 1750's, the Caroline County records are sprinkled with land transfers and acknowledgements of mortgages held by Tompkins. Some of these activities were joint ventures between his oldest brother Robert and himself.⁸ It was also during this period that Tompkins married Elizabeth Goodloe on 11 November 1758.⁹

A year after his marriage to Elizabeth Goodloe, the County of Prince William moved its seat of government to Dumfries. The move brought more activity to an already prosperous and growing town. By the time of transfer, the town was in Bishop Meade's words, ". . . the mart of that part of Virginia [and] the scene of gayety and fashion . . ."¹⁰ Two major houses built during this period demonstrate the growing sophistication of the town. The Tebbs-Mundy house and the "Old Hotel" indicated by their size and design the growing wealth of the inhabitants. There is also evidence that the residents were employing the major craftsman in the northern neck.¹¹ With the addition of the activities of the county government, the town also experienced a flurry of construction of public buildings. The county not only needed a courthouse, but a jail and tobacco warehouses. The county council sought first to construct the courthouse, and it was this building for which Tompkins was employed.

Although the existing court records do not indicate the date of construction, they provide a general idea that the courthouse was underway by spring of 1760. On 26 March, the court ordered Thomas Key, surveyor of the road from Searsons old field to Dumfries, to clear a new road to the courthouse.¹² By summer, the court offered its first known payment to Tompkins. The court sitting on 30 July 1760, and consisting of Bertrand Ewell, Henry Lee, William Tebbs, and Lewis Reno, passed the following motion:

Ordered the sheriff pay Benjamin Tompkins one hundred and ninety one pounds, thirteen shillings, and four pence, it being proportioned levied for him in part building the courthouse.¹³

The payment of this levy was acknowledged by the sheriff in his report to the court of 24 November 1760.¹⁴

From this first payment, work on the courthouse continued for two additional years. The court does not mention the structure in its proceedings during its session of 1761, but by spring of 1762, the courthouse was complete. On 3 May 1762, the court took possession of the building:

The court having unanimously received the courthouse which Benjamin Tompkins undertook to build having been satisfied that he acted the part of a faithful workman, therefore they release him and his securities from the articles into for compleating [sic] the same together with his bond for performance of covenants, and do hereby order the same to be cancelled and delivered up to him . . .¹⁵

Unfortunately for Tompkins, the court's unanimity was short lived. In fact, it may have only lasted for a day.

While the court released Tompkins from his bond to the court, there are indications that the building was not without its problems. In receiving the courthouse, they released Tompkins of his bond on the condition that he enter into a bond with a committee to examine the deficiencies of the structure. The order stated:

. . . on condition that the 'said Benjamin Tompkins, do enter into bond anew with sufficient securities to Henry Lee, Allan Macrae, and John Bayliss gent. or any two of them are appointed to Examine deficiencies of the said work according to the aforesaid articles for completing the same.¹⁶

The deficiencies of the building appear to have been minor and probably had to do with a leak in the roof. In September, the court appointed a committee consisting of Allan Macrae, James Douglas, and William Carr "to agree with a workman to stop the leak in the courthouse."¹⁷

Despite the building's deficiencies, it is clear that Tompkins exceeded the court's expectations in the construction of the courthouse. He had gone beyond the specifications set by the court in the design of the structure. The day after the court established the committee to investigate the problems of the building, it directed the same gentlemen to consider his improvements to the original plan:

Ordered that the persons appointed yesterday to examine the deficiencies of the work about the courthouse performed by Benjamin Tompkins also consider alterations and additions the said Tompkins have made from the original articles and report the value thereof.¹⁸

The committee reported its findings to the court held in Tompkins' courthouse building on 2 July 1762.

The report delivered by the committee listed no deficiencies in workmanship. Instead, they found that he had performed beyond his obligation to the county. They not only recommended immediate release of his bond, but the payment of a bonus:

Benjamin Tompkins exhibited an account to the court of extraordinary services performed on the Courthouse for which they agreed to give him a further allowance of one hundred pounds being in their opinion the value of the work done more than he was obliged to by his articles and for the losses sustained by the disappointment of the payments made him by the County, and that his Bond for performance be cancelled and Delivered him.¹⁹

This judgement was not to be the Court's last ruling on the courthouse.

In November, the Prince William County court reconvened. It once again took up the question of Tompkins' workmanship. The November court had changed justices, and with this change, Tompkins' additional work was once again brought before the court:

The court now sitting taking into consideration the order of court made for levying Benjamin Tompkins [the sum of] one hundred pounds and being persuaded that the same is illegal and at this Juncture oppressive, are therefore of the opinion it ought not to be levied, more especially as it supercedes from the Hon^{ble} General Court renders it probable that a former order of this court granting a sum of one hundred pounds to the said Benjamin Tompkins for extraordinary services about the court be reversed.²⁰

This decision was not unanimous. Lewis Reno and William Tebbs, who were originally appointed by the court to examine the courthouse, dissented from the decision, and according to the court records, "persist[ed] in their former opinion."²¹

Since the building is no longer extant, Tompkins' design for the courthouse can only be conjecture. The court records only indicate that his building surpassed the expectations of the county court. The question remains where young Tompkins received training or guidance to construct a building which would win the approbation of the review committee despite its obvious flaws.

The answer to this question lay hidden until several years ago when an architectural study of Gunston Hall uncovered a series of sketches etched on a board used in the Palladian Room. The Palladian Room was constructed between 1758 and 1761--making it contemporary with the Dumfries courthouse. Found on the back of a cornice, the sketches show a series of designs including both floor plans and elevations of a public building. From both Mason's association with Dumfries and recent archaeological excavations, it is probable that the sketches found at Gunston Hall are studies for the

third Prince William County courthouse.

With the growing prosperity of Dumfries, its inhabitants sought to build the courthouse to reflect the town's importance to the colony. Men, like George Mason of Gunston Hall who did not actually live in the town, had close associations with the merchants and the court. Mason frequently appeared before the court and was a director of the town. In fact, the Mason family had long been associated with Prince William County and the previous courthouse sites. The second George Mason owned Woodbridge plantation on the border of the Occaquan Creek. In 1737, his widow leased this property with the exception of the courthouse and prison.²² In the 1750's, George Mason of Gunston maintained the Occaquan ferry, and he was completing his house which was only fourteen miles from the town. At the time of construction of the Prince William County courthouse, Mason had under indenture the craftsman, William Buckland. Although Buckland's obligation to Mason ended in 1759, he was still associated with Mason and his family. Mason's brother-in-law, Major Selden was a resident of Dumfries, and in 1760, he hired Buckland to draw up plans for a house and carve several mantels.²³ Since Tompkins received his first payment for the courthouse in this year, it is logical to assume that Buckland was aware of the construction of the court building.

While Buckland was working in Dumfries, he was also involved with the interior decoration at Gunston Hall. In 1760, he was fitting the Palladian Room for Mason. It is on the back of one of these fittings that the sketches were found. Given Mason's close association with the Prince William County government and Buckland's work in Dumfries, it is probable that Tompkins visited Gunston in order to please Mason and to see the work of Buckland. It is also possi-

ble that Tompkins sought advice from the more experienced Buckland.

The sketches found at Gunston seem to indicate several studies leading to a design. They range from the simpler T-shaped floor plan which was prevalent in several courthouses built during this period to a more complex U-shaped plan (see figure 1).²⁴ The U-shaped plan went through several variations, and the elevations which were drawn along side of these plans seem to represent the development of these plans (see figure 2). From the U-shaped plan developed a more complex scheme. The plan called for an U-shaped courtroom which was entered from a polygonal shaped porch. Flanking the sides of the courtroom, wings or possibly porches are shown. There seems to be a stronger possibility that these appendages are porches given the squares noted on the plans which probably represent columns (figure 3). The elevations which appear with these plans represent the front of the building. It is interesting to note their similarity to the porch on the river facade at Gunston Hall. This would indicate that Buckland was presenting his ideas for the design of the building.

Recent archaeological excavations of the site of the courthouse indicate that the structure as built bears close resemblance to the plan found at Gunston Hall. The foundations of the building bear the same general outline of the plan. Given the faithful adherence to this floor plan, it can be assumed that Tompkins' building resembled the elevation shown with the floor plan. Unfortunately, these two pieces of evidence are the only clues to Tompkins' courthouse.

After he completed the construction of the Prince William County courthouse, Tompkins returned to Caroline County. He seems to have returned to farming and trading in real estate. He also availed himself to the county where he was primarily employed in the construction

of roads and bridges. He first builds a bridge on a road of which he was a surveyor. On 6 July 1764, the Caroline Court directed:

Tis ordered that James Taylor Court Treasurer . . . pay Benjamin Tompkins £20 in part of his demand in building Guinias bridge and the balance of £29 is to wait until July 1765.²⁵

Since he assumed his father's role in the maintenance of the Guinias road, it seems probable that he took up residence at Maple Swamp.²⁶ His work on this bridge probably spurred the construction of three additional bridges for the County.²⁷ Tompkins also repaired the county warehouses at Conways Inspection for which the court paid him £63.²⁸ During this period, Tompkins entered an apprenticeship under Thomas Hurt.²⁹ He entered into this apprenticeship in exchange for schooling. Since Tompkins was amassing more property during this period, he probably felt the need to receive some type of formal education in order to secure his position in the county.

By the time of the Revolution, Tompkins became directly involved in the government of Caroline County. In 1775, the Committee of Safety for the colony called for the creation of Committees of Safety within each county. In the fall, Caroline held its election and among those elected was Tompkins. This election was disallowed by the central committee. In the new election, Tompkins lost his seat.³⁰ He ran again during the third election and won his seat with the total of 101 votes.³¹ He continued in this position throughout the Revolutionary War.

After 1780, Tompkins appears less frequently in the court records. His son, Robert, begins to take his father's place in the activities of the county government. In 1790, Benjamin and his wife Elizabeth sign over the land on which they reside to Robert although the deed is not recorded until 1809.³² According to the conveyance, the elder

Tompkins retained life interest in the property and spent his last years there. Elizabeth died in the year that the deed was recorded, and her ill health may have prompted the registration of the deed since a notarized statement accompanied the deed stating that she was unable to travel. Benjamin followed her to the grave in 1811.

The third Prince William County courthouse is the only building that can be attributed to Benjamin Tompkins. Although the Caroline County courthouse follows immediately the building at Dumfries, the records clearly state that John Wily was responsible for its construction.³³ After Prince William County finished its courthouse, it turned to two other major projects.³⁴ It built a prison and a warehouse at Dumfries. While these buildings were advertised, Tompkins does not appear to have been considered for either project. He only has one other association with the town of Dumfries. He is mentioned in the Dettinger Parish records in 1760, and it is probably because of his work at the courthouse.

Like the town of Dumfries, the third Prince William County courthouse would only endure into the first quarter of the nineteenth century. In 1822, the county seat was moved from Dumfries. The loss of the county government compounded by the silting of Quantico Creek quickly made Dumfries a ghost town. After the transfer of government to Brentville, the courthouse was "fitted for worship."³⁵ But by the time of Bishop Meade's visit, it had been abandoned for "want of worshippers." His notes on the town recalled its past glories and contrasted them with its current state where "Desolation reigns around."³⁶

ILLUSTRATIONS

The following photographs are supplied through the courtesy of

Colonial Williamsburg Foundation
Williamsburg, Virginia

FIGURE 1

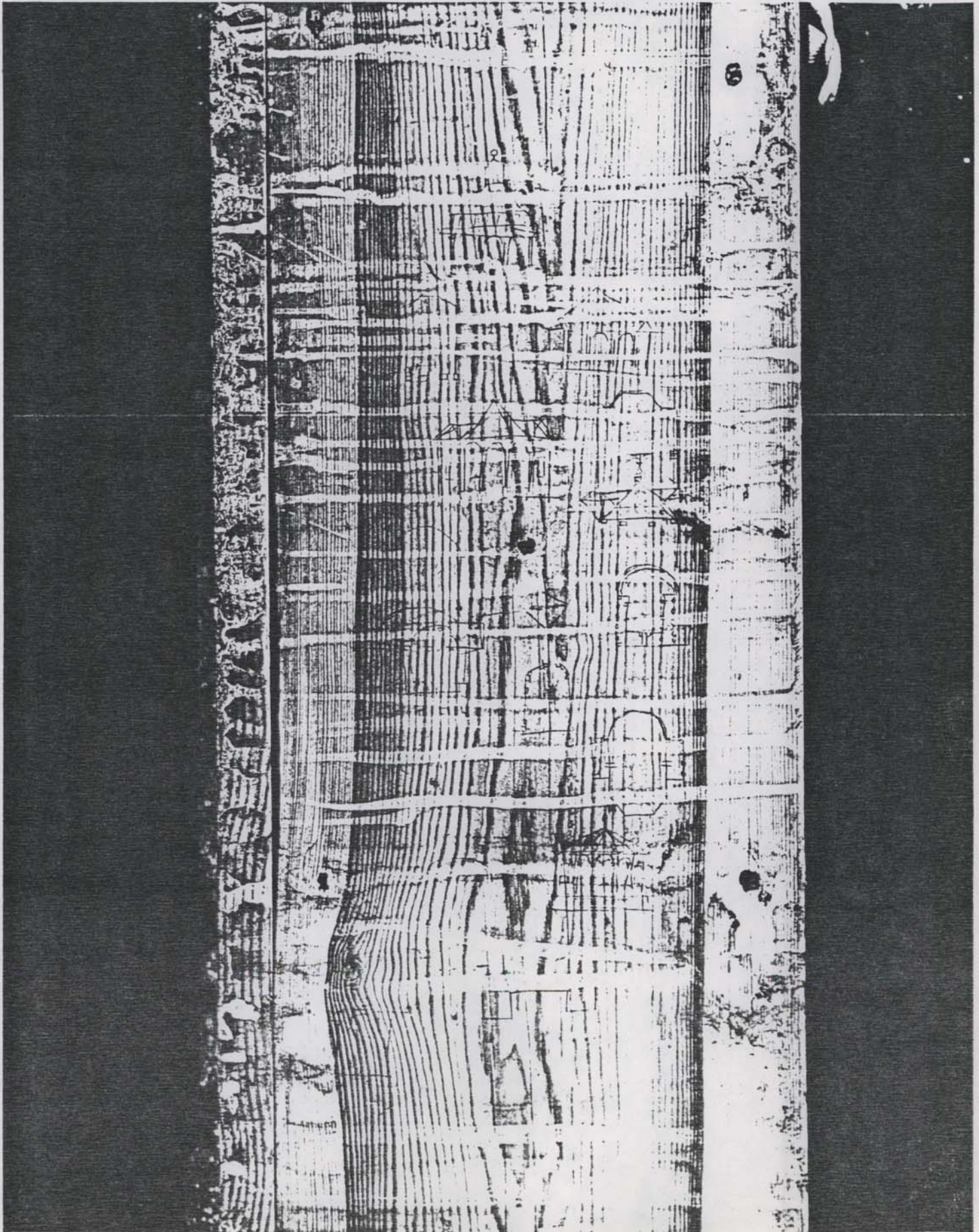


FIGURE 2

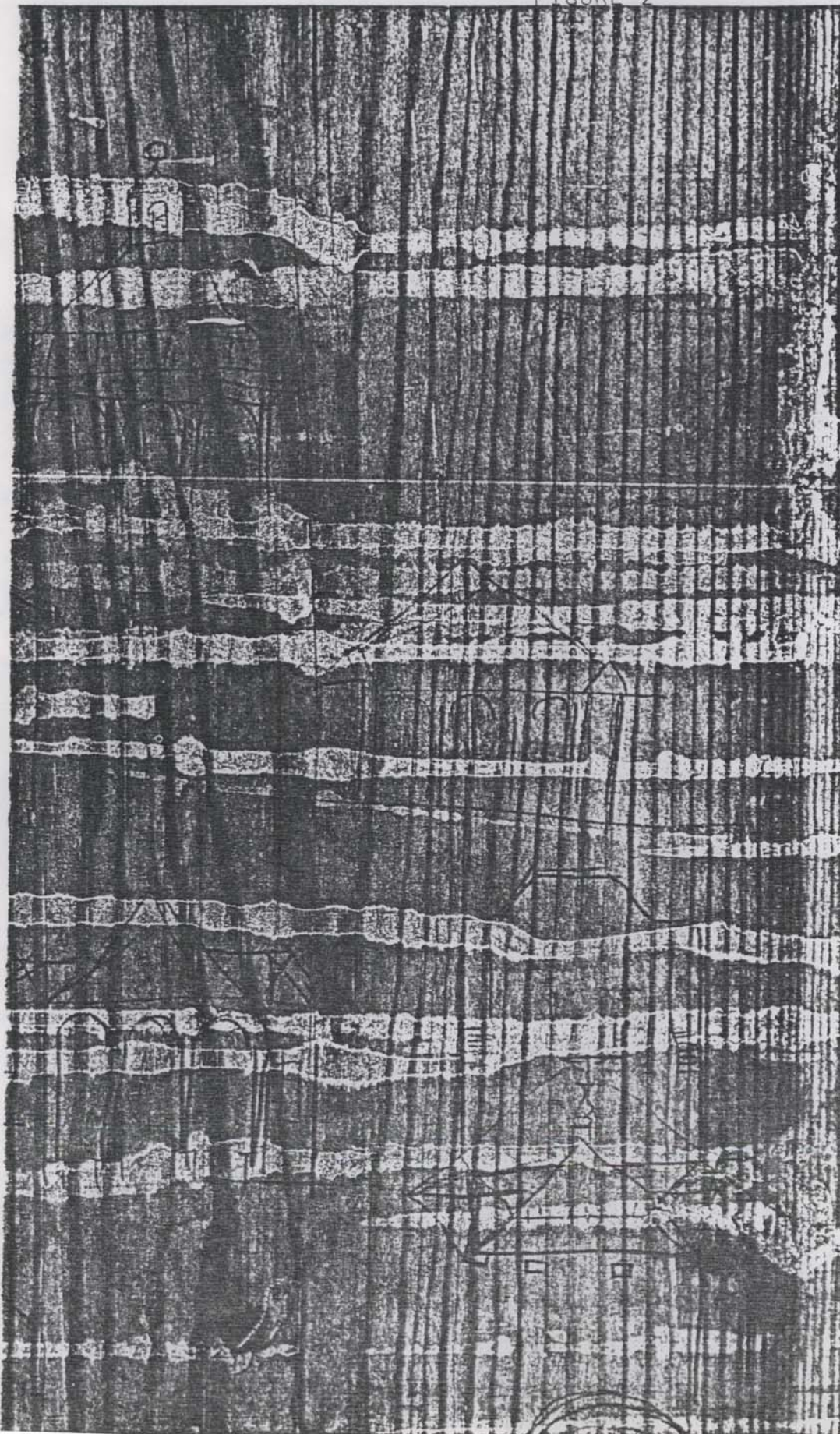
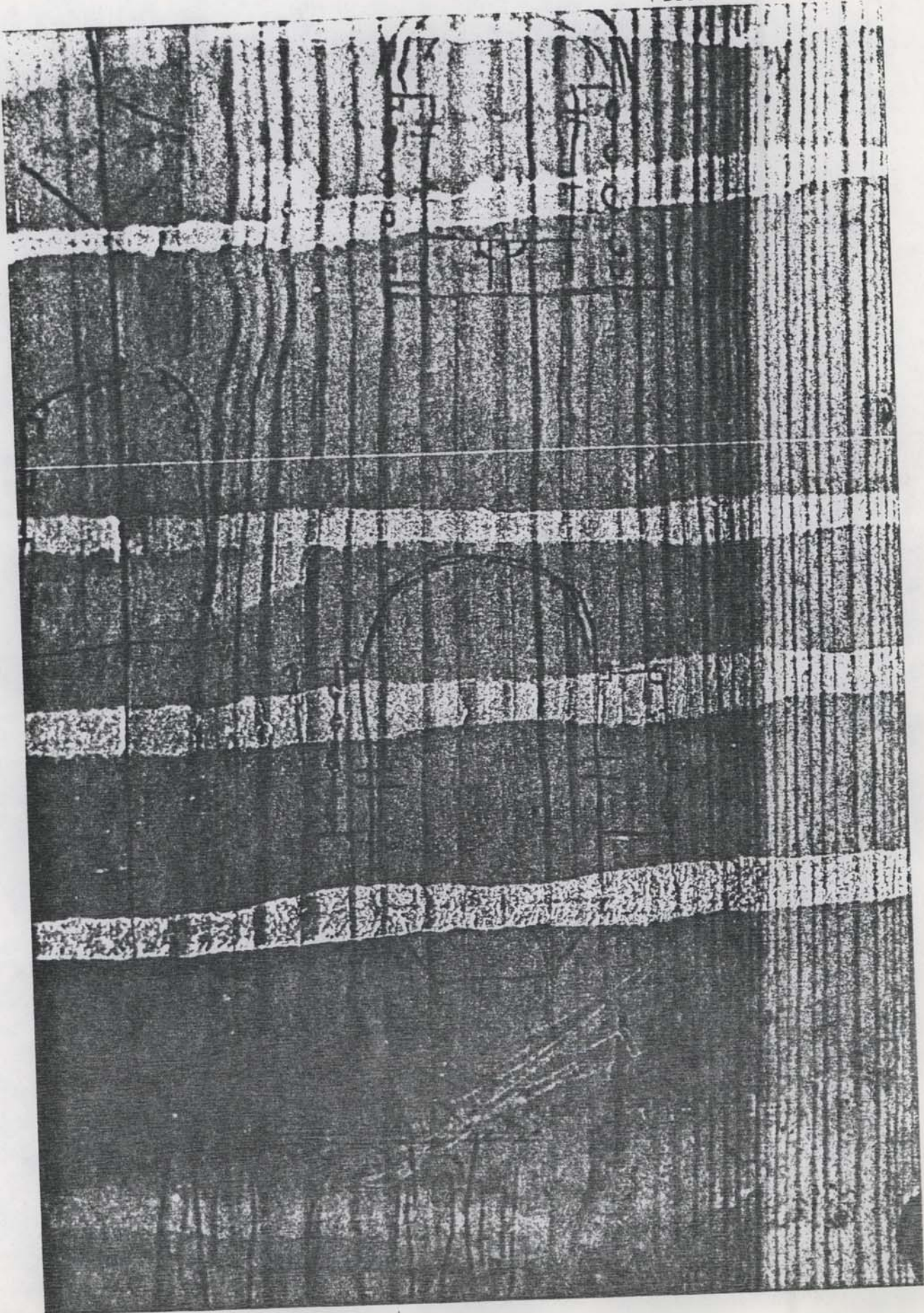


FIGURE 3



Notes

¹See the Papers of Robert Carter, Virginia Historical Society, and Hunter Dickinson Farish, ed., The Journal and Letters of Philip Vickers Fithian (Charlottesville: Dominion Books, 1968), "[Robert Carter] owns lands near Dumfries on the Potowmack." (p. 79). See also p. 196 for a discussion between Robert Carter and his agent at Dumfries.

²Fairfax Harrison, Landmarks of Old Prince William (Berryville: Chesapeake Book Co., c. 1964), pp. 371-396.

³Prince William County Order Book, 1759-61, p. 61.

⁴Ibid., p. 61.

⁵Lucie P. Stone, "Tompkins' Family Bible Entries," The Virginia Magazine of History and Biography, v. 19, 1911, pp. 196-197.

⁶Mrs. J.E. Warren, "Tompkins Family," William and Mary Quarterly, second series, v. 10, no. 1, p. 25.

⁷See Caroline County Order Book, 1755-58. He is primarily involved with the upkeep of the Guinias road which must have bordered his property. For example, on 18 August 1757 the court ordered:

William Tyler, Robert Farish, Christopher Tompkins, and George Rogers or any three of them are appointed to vew [sic] the way from Guinias Bridge by the old house where the Guinias family lived upon the river also the way by George Yates which lately was the road also the new road and report which is the highest and best way. (p. 301).

⁸See Caroline County Order Book 1755-58. In one case, land which was purchased by Benjamin Tompkins was then indentured to Robert (p. 245).

⁹Tompkins Family, p. 24.

¹⁰William Meade, Old Churches, Ministers, and Families of Virginia (Baltimore: Genealogical Publishing Co., 1966), v. 2, p. 209.

¹¹John Fitzhugh Millar attributes both the Tebbs-Mundy house and the Old Hotel to James Wren. See The Architects of the American Colonies (Barre, MA: Barre Publishers, 1968), p. 72. William Buckland was also working in Dumfries during this period. See page 7 of this paper and note.

¹²Prince William County Order Book, 1759-60, p. 88

¹³Ibid., p. 147.

¹⁴Ibid., pp. 221-22.

¹⁵Prince William County Order Book, 1761-63, p. 94.

¹⁶Ibid., p. 94

¹⁷Ibid., p. 319.

¹⁸Ibid., p. 96.

¹⁹Ibid., p. 175.

²⁰Ibid., p. 383.

²¹Ibid., p. 384.

²²Landmarks, p. 315.

²³Fiske Kimball, "Gunston Hall," Journal of the Society of Architectural Historians, v. 13, no. 2, May 1954, p. 7.

²⁴The T-shape plan was prevalent in existing county courthouses. Charles City, York, King William, Hanover, Henrico, and Lancaster all had courthouses with this type plan. See Millar, pp. 55-56.

²⁵Caroline County Order Book, p. 222.

²⁶Ibid., p. 246. The family Bible which provided much of the information on the Tompkins family seems to substantiate this claim. The handwriting of the Christopher Tompkins and Benjamin Tompkins heirs is different, but the Bible continues only the Tompkins line from Benjamin. According to the Bible, Christopher's oldest son never married. Since Benjamin's family maintained the possession of the family Bible, it is logical that Benjamin also secured the family home. See "Tompkins Family," p. 24.

Maple Swamp was located near Chilesville. Little is known about the property except it did not survive into this century. See Thomas E. Campbell, Colonial Caroline: A History of Caroline County, Virginia (Richmond: Dietz Press, 1954), chart of family homes.

²⁷Caroline County Order Book, 1772-76, p. 84, 9 July 1772.

²⁸Ibid., p. 94.

²⁹Campbell, p. 447.

³⁰Ibid., pp. 256-257.

³¹Ibid., p. 345.

³²Caroline County Deeds, 1748-1845, p. 27.

³³Caroline County Order Book, 1759-1764, p. 222.

³⁴The Court established a Committee to "agree with a workman to build a prison after agreeing upon a plan and advertising the same." (Prince William County Order Book, 1761-63, p. 82). The committee settled on Hubbard Prince for the project (p. 383).

The county also undertook two other projects. It appointed Allan Macrae to secure a workman "to build a necessary house on the courthouse lotts." (p. 301, August 1762). It also established a committee to "agree with some person to erect a Ducking Stool in Quantico Creek at the town of Dumfries." (p. 360, 5 October 1762).

³⁵Meade, v. 2, p. 201.

³⁶Meade, v. 2, p. 209.