

Hempstead Co.  
Washington  
Confederate State

United States Department of the Interior  
National Park Service

NATIONAL REGISTER OF HISTORIC PLACES  
REGISTRATION FORM

1. Name of Property

historic name: Confederate State Capitol

other name/site number: 1836 Hempstead County Courthouse

2. Location

street & number: \_\_\_\_\_

not for publication: \_\_\_\_\_

city/town: Washington

vicinity: \_\_\_\_\_

state: AR county: Hempstead code: AR zip code: 71862

10. Geographical Data

Acreage of Property: .90 acres

UTM References: Zone Easting Northing Zone Easting Northing

A	<u>15</u>	<u>435101</u>	<u>3405086</u>	B	_____	_____
C	_____	_____	_____	D	_____	_____

See continuation sheet.

Verbal Boundary Description: See continuation sheet.

Lots 1, 2, 3 and 4, Block 0, Original Town of Washington, Arkansas

Boundary Justification: See continuation sheet.

This is the legal boundary description as provided by the building's owner:  
the Arkansas Department of Parks and Tourism.

11. Form Prepared By

Name/Title: Mark Christ, Special Projects Coordinator

Organization: Arkansas Historic Preservation Program Date: \_\_\_\_\_  
Street & Number: 1500 Tower Building, 323 Center St. Telephone: (501) 324-9880  
City or Town: Little Rock State: AR ZIP: 72201

## Section 7

### Summary

The Confederate State Capitol (NR listed 5-19-72) at Old Washington State Park is a two-story, wood-frame courthouse with brick foundation walls and piers supporting 8"x8" and 12"x12" solid sills and beams. The building was erected in 1836 to serve as the Hempstead County Courthouse and became the Confederate State Capitol after Union forces took Little Rock in September 1863.

### Elaboration

The Confederate State Capitol at Old Washington State Park in Hempstead County, Arkansas, has excellent integrity of setting (it stands beside the old Southwest Trail), association, and location. Its integrity of feeling may be somewhat compromised by historic alterations, but it is quite likely that the Confederate soldiers and politicians who nervously awaited Union invasion in April 1864 would recognize the structure that served as their capitol following the fall of Little Rock in September 1863.

The Confederate State Capitol at Old Washington State Park is a two-story, wood-frame courthouse with brick foundation walls and piers supporting 8"x8" and 12"x12" solid sills and beams. The studs are 4"x4", the floor joists are 3"x12", and the ceiling joists are 3"x10". It is sheathed in horizontal beveled siding and corner boards.

The roof is a medium-pitched hip; the shingles are cedar shake.

The building is laid out on a 44' 2" wide by 34' 5" deep plan. The entire first floor is allocated to the open courtroom. It currently contains a small number of museum display materials. The second floor is supported on the interior span by two round, solid, hand-carved, tapered columns supporting a 10"x12" hand hewn beam. The second floor contains a Masonic Hall 38' 3" long by 21' 6" wide, as well as several smaller, ancillary rooms.

The windows are six-over-six, double hung windows with moulded surrounds. They are shuttered with louvered blinds.

The entrance on the main, or north, facade is protected by a one-story, one-bay, pedimented Greek Revival portico. The portico is supported by square, tapered columns with moulded capitals and bases. The entrance door is flanked by pilasters with a similar design. The 7' 6", four-panel entrance door has moulded trim and is topped by a transom. The door panels are raised.

There are two outside ended chimneys. They are laid of running bond brick and have corbeled caps. The two fireplaces are located at either end of the courtroom. They are stack bond brick with wood surrounds. The side surrounds have a raised pilaster design supporting a simple mantel.

A noncontributing outbuilding lies behind the building, on the south side. It is a square, one-story restroom structure built in 1978. It is constructed with similar siding and roofing material to that of the Confederate State Capitol.

The Confederate State Capitol is in deteriorating condition and the Arkansas Department of Parks and Tourism recently received funding for archeological work to determine the location of various outbuildings and fences in order to restore the site to its 1836 appearance. The building's appearance today reflects the results of a 1929 restoration; Arkansas State Parks plans to restore the building to its pre-Civil War appearance.

## Section 8

### Summary

The Confederate State Capitol at Washington, Arkansas, was the seat of Confederate government following the fall of Little Rock in September 1863. During Union General Frederick Steele's April 1864 Camden Expedition, it was expected by southern forces that Washington would be besieged.

### Elaboration

This building is the second courthouse built in Hempstead County. The first was of hewn logs and was built by Tillman L. Patterson in 1824. The second courthouse (NR 5-19-72) was constructed around 1836 and served until 1874, when a new, brick structure was constructed.

In 1863, after the capture of Arkansas Post in January and Little Rock in September, Confederate Governor Harris Flanagin ordered that the capitol be moved from Little Rock to Washington. The town of Washington served as the seat of state government from 1863 to the end of the war in 1865. Two or more sessions of the Arkansas General Assembly were held in the building during the war.

With the cessation of hostilities, the building once again became the seat of county business and retained that function until construction of the 1874 courthouse.

In the initial planning for the town of Washington, it was envisioned that the city would grow around the courthouse square. The courthouse block was platted as the "zero" block in the town plan with the old Southwest Trail, which ran east and west directly north of the courthouse block serving as the original "Main Street." However, the heart of the town and the main business district ended up developing to the west of the limits of the original plat at a point where the Southwest Trail crossed a north-south trail. By 1874, the town recognized this and the new county courthouse was built within a block of that crossing.

The town of Washington bought the 1836 courthouse in 1875 and used it as a schoolhouse until 1914. It then served as a residence and a justice of the peace's office until about 1928, when the Cleburne Chapter of the United Daughters of the Confederacy conceived the plan of restoring the old building. In March of 1929 the state legislature created the Wartime Capitol Commission, which was charged with restoring and maintaining the structure. An Arkansas Department of Parks and Tourism report notes: "the level of architectural integrity as it now stands is unknown. The restoration of 1929 was done at a time when accuracy was not considered important."

The Wartime Capitol Commission administered the structure until 1947, when Act 256 of the Arkansas General Assembly placed it under the control of the Arkansas Commemorative Commission. Ownership was transferred to the Arkansas Department of Parks and Tourism in the 1970s.

The Arkansas Department of Parks and Tourism is currently preparing a restoration plan to return the building to its 1836-45 configuration and to interpret it as the courthouse that was later used as the Confederate State Capitol, a plan that would allow interpretation of the structure's use as the wartime capitol of Confederate Arkansas.

**Bibliographical Information**

**Material provided by Arkansas Department of Parks and Tourism**

**National Register of Historic Places nomination for Confederate State Capitol, 1972, written by Arkansas Historic Preservation Program staff**

### **Property Owner Information**

Arkansas Department of Parks and Tourism  
One State Capitol Mall  
Little Rock, AR 72201

Send it to the attention of:

Richard Davies, department director  
Greg Butts, State Parks director

### **Location Information**

The Washington Quadrangle Map was last updated in 1951 and has no points of reference from which UTM markings can be calculated. It is located at Latitude 30 degrees, 46 minutes, 43.2 seconds and Longitude 93 degrees, 40 minutes and 41.6 seconds.

Based on those coordinates, the Center for Advanced Spatial Technologies at Fayetteville, Arkansas, calculated the probable UTM coordinates for the structure as 15/435101/34086.

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## 1836 COURTHOUSE (CONFEDERATE STATE CAPITOL)

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Block 0

### Brief History

This building was the second courthouse in Washington, constructed in circa 1836 and serving until 1874 when the "new" building was built. From 1863 until the end of the Civil War, it was used as the Confederate State Capitol. After 1874, it was used as a public school building until 1914, when a new brick building was constructed. It is said to have been used as a residence and office of a justice of the peace until 1929, when the Daughters of the Confederacy persuaded the Legislature to purchase it and restore it as a museum. It was operated by the Wartime Capitol Commission until 1947, when it was transferred to the Arkansas Commemorative Commission. In the 1970s ownership was transferred to Parks and Tourism.



### Description

The courthouse is a two-story braced frame structure with low hip roof, flanking exposed brick chimneys, a one-story porch with two columns and pediment which is Greek Revival in proportion. There is a one-story, detached, apparently modern frame building to the rear which is used for toilets and storage.

There is one large space inside on the first floor with an enclosed stair to the second floor. The second floor has several smaller rooms and one large, where a fraternal order meets on occasion. The second floor is a fire trap with no code conforming exits and no alarm system.

No attempt has been made to analyze the originality of the building fabric inside or outside except to note the obvious

changes from the school era photographs to the post-1929 restoration.

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### Significance

Constructed in the interpretive period and on its original site, this building is of primary importance. Historically, its importance is exceptional.

The level of architectural integrity as it now stands is unknown. The restoration of 1929 was done at a time when accuracy was not considered important.

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### Status

The building is under the Parks Division ownership and is being used unfurnished as a museum gallery. It is in deteriorating condition.

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### Proposal

As a high priority, prepare an Historic Structures Report on this exceptionally important building according to the format recommended in this report.

Using the material learned from this report, prepare a restoration program for a thorough reworking of the buildings. If adequate rationale can be developed from the evidence, return the building to its 1836-45 configuration and interpret it as the courthouse "which was later used as the capitol." In this configuration, there would be plenty of opportunity to also interpret the wartime capitol.

In the meantime, maintain the building to stabilize its deterioration and upgrade the exhibitry now in place.

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### SANDERS HOUSE

Block 32; Lots 1, 2, 3, and 4

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### Brief History

Simon T. Sanders was born in North Carolina in 1796 or 1797. He married Zenobia Meredith Sanders of Madison County, Virginia. They moved to Columbus, Arkansas, in 1834 where Sanders worked for his brother-in-law, Ephraim Mirick, who owned a mercantile business.

In the late 1830's or 1840, Sanders moved to Washington. He built the house in 1845. In the 1847 tax records his estate was itemized as follows:



# History of the 1836 Hempstead County Courthouse

by Don Montgomery

## *The Building and Grounds*

By 1835 it was clear to county officials that a new courthouse was badly needed in Hempstead County. For ten years the circuit court met in a small building constructed by Tilman L. Patterson. The calling of a grand jury necessitated the rental of a room from a local businessman such as Abraham Block. Tilman L. Patterson supervised the construction of a new two-story, framed courthouse, which was completed at a cost of \$1,850. However, there were additional costs for work on the chimneys and the making of shutters. William H. Whitson built and installed the shutters for \$300. During the July term of the county court in 1838, Judge Birkett D. Jett appointed Allen M. Oakley, the county clerk, as the person in charge of the courthouse, with the authority to keep anyone from residing there except the county clerk. Later that year, the Free Masons of Washington rented an upstairs room in the courthouse which they used as a lodge.<sup>1</sup>

A need for additional room resulted in the county deciding to construct a clerk's office where all the county records would be kept. Daniel E. Alexander received the contract and built the office on the corner of the public square, facing Franklin and Hamilton streets, at a cost of \$1,000. John Kirby put the finishing touches on the building by painting it for \$125.<sup>2</sup>

In January 1840 the grand jury reported the decaying state of the county jail and recommended the erection of a new one. Judge Jett agreed and appointed Daniel T. Witter, Henry Cheatham, and Grandison D. Royston to serve as commissioners of public buildings with the task of contracting for the building of a new jail. The court ordered that the new facility be erected of brick and to be a size determined by the commissioners. It was to be constructed on the public square at a maximum cost of \$4,000. In April Judge Jett withdrew the appointments and selected Daniel T. Witter and Grandison D. Royston as commissioners to contract for the repair of the present jail at a cost of \$1,200 or less. Judge Jett overturned these appointments at the next term of court, making Henry Cheatham the commissioner of public buildings with the authority to construct a jail somewhere near the east corner of the

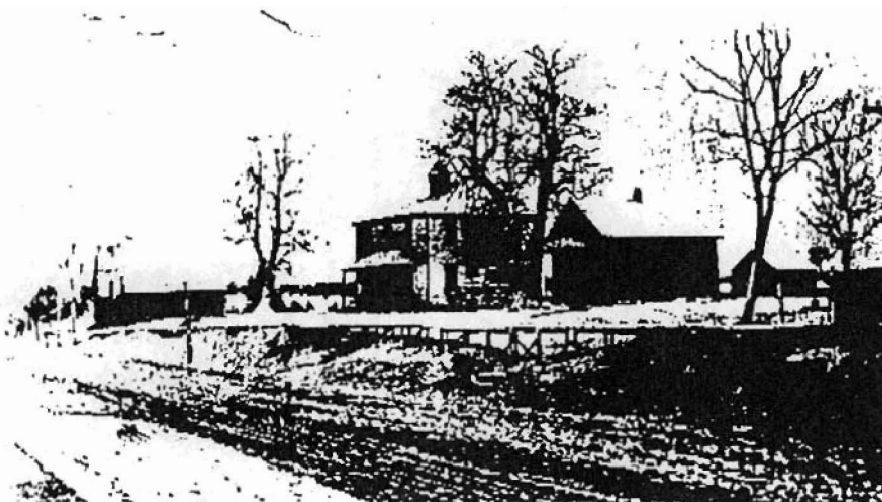
awarded the contract to H.J. Kimble, Price Roach, and John Justus for \$1,833.33. They completed the jail in January 1843.<sup>3</sup>

Other projects on the courthouse square included work on fences and the establishment of a public well. Robert L. Phillips worked on having a well dug between the courthouse and the clerk's office after his appointment in January 1840. The court ordered that the well "be walled with brick, with a windlass and bucket, and a good shelter to be placed over it." A year later Phillips reported that he was unable to have the well dug, so the order was set aside.<sup>4</sup>

As the commissioner of public buildings, Henry Cheatham supervised the construction and repair of the courthouse fences. The court ordered him in October 1840 to repair the fence on the northeast and southeast sides as well as have a fence built on the other sides, with appropriate gates to the courthouse and clerk's office. Work on the new fence began almost immediately, which allowed Cheatham to report in January that he contracted to have a paling fence put around the square on the northwest and southwest sides to be six feet high, made with good white oak posts, and to be well nailed on the top and center, with two gates with good hinges and latches included. John Shepperson fulfilled the contract for \$175. Henry Cheatham completed his responsibilities as commissioner.<sup>5</sup>

Judge Birkett D. Jett appointed Charles K. Witter as commissioner of public buildings in July 1843. Unlike his predecessor, Commissioner Witter had few projects to fulfill. His first concern was the repair of the judge's stand in the courtroom. Attorneys John Field and Grandison D. Royston provided the plan for the work to be done. Another project consisted of procuring a dozen chairs for the courthouse. Commissioner Witter's most important project was the completion of a well on the public square. Since the court had no further comments on the subject he was apparently successful.<sup>6</sup>

The election of a new county judge called for a new commissioner of public buildings. On October 7, 1845 Judge Daniel T. Witter appointed George W. Green as commissioner, with instructions to have the east chimney



An old snapshot shows the 1836 Courthouse with the clerk's office at its side, probably A. L. Warner's Photography Shop behind, and the black Methodist

Church down the road. The Southwest Trail passes by in front of the buildings.

year Green issued a report:

Your reporter would respectfully represent to your honorable body that on or about the first day of July 1846 he contracted with George W. Woods for repairing the yard fence on the northeast side of said yard, also for setting four new posts to said yard fence, making steps to gate in front of Clerk's Office, for the sum of \$15, which said work was done and completed by said George W. Wood in a substantial and workmanlike manner by the 31st July, 1846. . . your reporter would. . . further report. . . that he contracted with John Justus for setting 25 panes of glass in the windows of the Court House. . . for the sum of \$3. . .

In January 1847 John D. Trimble became the county judge, resulting in the removal of George W. Green as commissioner of public buildings.<sup>7</sup>

Apparently, Judge John D. Trimble believed in the adage that if you want anything done right, do it yourself. On July 6, 1847 he appointed himself commissioner of public buildings with orders to paint the courthouse; have a chimney built for it as well as one for the clerk's office; and have the public square enclosed with a proper fence. His first project consisted of removing an iron safe from the defunct Real Estate Bank branch in Washington, and placing it in the clerk's office. During July 1848 he had the chimneys repaired at a cost of \$40 to the county. As a successful merchant, Judge Trimble saw merit in a suggestion presented in April 1850 when John Field, Grandison D. Royston, John W. Williams and other citizens proposed that the public interest would be promoted by the selling of a portion of the public square. The land in question began at the southwest corner of the square, running north with Hamilton street one hundred feet and extending into the square seventy-five feet. Judge Trimble had the ground surveyed into lots measuring twenty-five feet fronting Hamilton and extending back seventy-five feet, which he sold to the highest bidder at a public auction. A court order protected the courthouse, stating:

. . . It is further ordered that no building which may be erected on any of said lots of ground shall ever be used or occupied as groceries, dram shops, gaming houses, blacksmith shops, or road shops of any kind or as a dwelling place of any family, or as a stable for the keeping of stock of any kind; and it further ordered and ex-

pressly stipulated that whenever any of said buildings which may be erected or used or occupied either by the owner or any other person contrary to the provisions and exceptions of this order, then. . . the owner. . . shall forfeit and lose all interest in an estate in any such building or buildings together with a lot of ground. . .

All of the parcels sold, and the edge of the public square was soon covered with business establishments including: tailor's shop, a law office, and a photographer's studio.<sup>8</sup>

By 1853 the courthouse and clerk's office needed new roofs. Commissioner Trimble established a contract to have shingle roofs for both structures. While the work on the roofs proceeded, members of Mount Horeb Lodge No. 4 of Ancient York Masons and Ozan Lodge No. 10 of the Independent Order of Odd Fellows petitioned for the privilege of adding a third story to the courthouse which the societies would use as a meeting place. Daniel E. Williams, Daniel M. Foster, A. T. Beller, Charles White, Henry P. Johnson, and Robert C. Stuart, representing the lodges as a Joint Committee, agreed to pay the entire expense of erecting the third story except the cost of furnishing and nailing on the shingles of the roof. Judge Trimble approved the proposal with the condition that the windows, walls, and roof would correspond with those of the existing building. Also, he wanted it understood that the societies would not have any title to the building, and that the third story would revert to Hempstead County if abandoned by the societies. Unfortunately, the proposal fell through, so the courthouse received only a new shingle roof.<sup>9</sup>

Judge Daniel T. Witter returned to office as county judge in 1855 and appointed Sheriff John B. Sandefur as the person in charge of the courthouse, responsible for making all repairs needed to windows, doors, and shutters as necessary. Sheriff Sandefur also served as commissioner to have the Hempstead County Jail repaired. A grand jury in April reported that the jail was "inept for the proper reception and retention of prisoners committed to its keeping. . ." The *Washington Telegraph* had harsher words for the poor condition of the jail in a satirical editorial

published March 5, 1851:

TO LET

Two rooms on the ground floor of the County Hotel (County Jail) on the public square in this place (Washington), having been vacated by the occupants one night last week, are again ready for the reception of boarders at the expense of the county. The two white gentlemen and the negro boy Charles, who recently occupied them, fearing their anxious friends might become uneasy at their protracted absence, left very unceremoniously, and have not since been heard of. Persons who may be compelled by circumstances to take up temporary lodgings at this establishment, will doubtless find the fare as good as at any similar establishment in the State, with this difference in their favor, that they can have safe and speedy egress whenever they become dissatisfied with the accommodations.

The repairs on the jail silenced both the grand jury and the newspaper.<sup>10</sup>

Milton T. Holt became the county judge in 1859, with the courthouse, jail, and clerk's office in fair condition. Yet, many citizens urged the construction of new buildings, so Judge Holt appointed Robert D. Gibson, John A. Ely, and R. W. Price commissioners to inquire into the feasibility of erecting a new courthouse, clerk's office, and jail. The commissioners delivered their first report in July 1860 noting that the present buildings, particularly the jail and clerk's office were wholly insufficient to meet the needs and protect the various interests of the citizens of Hempstead County. They stated that while the courthouse was yet acceptable, it was "a reproach to the intelligence, public spirit, and wealth of the county." They suggested that new public buildings of the most durable material, of such dimensions and style of architecture should be built as soon as possible in order to stand as monuments to the enlightened taste and liberal public spirit of the honorable old county of Hempstead for years to come. Since the county had no outstanding debts, the court could levy a special county tax for the purpose of constructing the buildings. All three commissioners believed the county owned an appropriate block in Washington known as block 59, situated in the most prosperous and growing part of town.<sup>11</sup>

They presented a plan for a courthouse which contemplated a structure 72 feet long by 54 feet wide, with a hall running through the center each way 14 feet wide, giving four rooms on the first floor, each 20 feet by 29 feet square, which they believed to be amply sufficient to meet the needs of the county offices "for all time to come." The upper story was designed for a large and airy courtroom, and two convenient and spacious jury rooms. The height of the wall from the ground to the square was to be 34 feet. Their final recommendation for the courthouse was that it be erected of the best quality of brick, and covered with slate or tin, and as far as possible to be made fireproof. They estimated the cost at about \$16,000. As for the jail, the commissioners said that "the rotten and utterly worthless old prison now in use, will impress the immediate importance of this work. . ." They informed the court that a citizen offered to donate a lot adjacent to the proposed courthouse block for the use of the jail.<sup>12</sup>

While the storm clouds gathered in both the North and South, Hempstead County concerned itself with constructing new public buildings. The first snag in the plans was a

report presented by John R. Eakin, William D. Green, and William H. Etter, trustees of Washington. With regard to block 59, they said that at a public sale of lots in 1836 the block was purchased by J. Harrison for \$89.50. However, no deed of conveyance was ever made, nor was there any evidence that the money was ever paid. The block went into the possession of a man named Collins, who conveyed it to Dr. Benjamin P. Jett, who had been in possession and occupancy for more than twenty years. The trustees were of the opinion that upon the payment of the purchase price with interest, it would be best to give up the block without contest. This ended the efforts to build a courthouse for the present.<sup>13</sup>

On January 10, 1861 the county court discussed the need for a fire proof clerk's office, placed on the site of the present office on the public square. All agreed that the building be constructed of well burnt brick and fronting sixty feet on Franklin and forty feet on Hamilton street. The architectural details included:

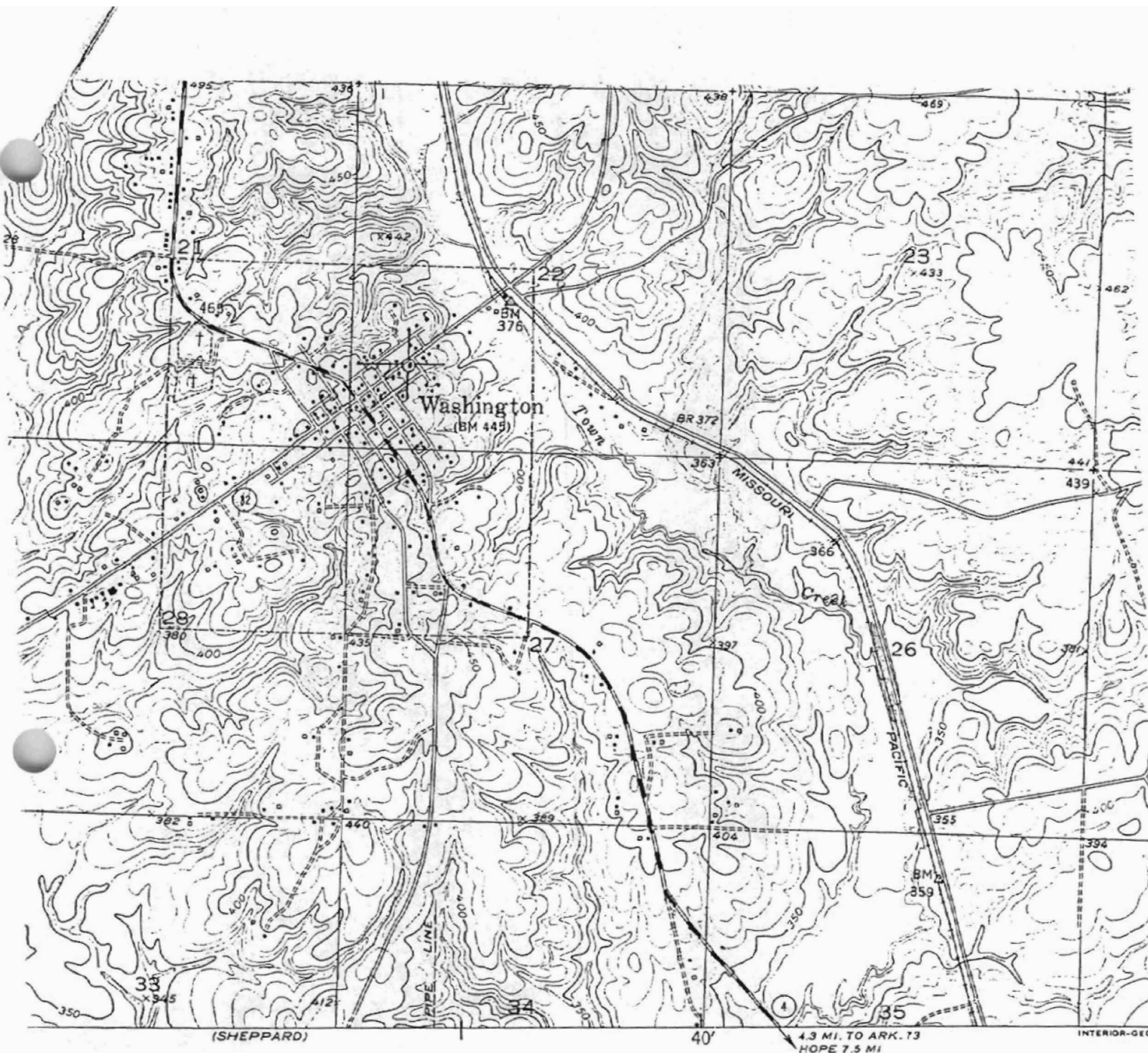
. . . that it shall be divided into three rooms or apartments. The southwest room to be known as the sleeping room and to be twenty feet square, the west room to be known as the clerk's room and to be twenty feet square. The northeast room to be known as the record room and to be forty feet long by twenty feet wide. The walls to be twenty feet high from the surface of the earth, to have a good stone foundation to be laid on the clay; to have a gallery or portico to each front of suitable width and construction for the remainder of the building.

Other details included the number of windows and doors, the thickness of the walls, and other descriptions. The court concluded that work should proceed and appointed John D. Trimble as commissioner to have it built.<sup>14</sup>

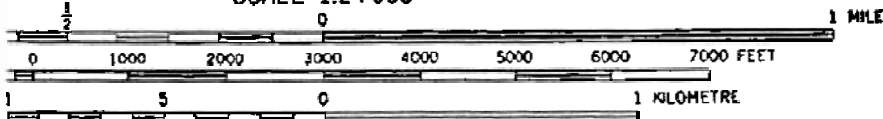
The court also appointed William D. Green as commissioner for constructing a jail. On May 6, 1861 Arkansas seceded from the Union. Two days prior to that event, the Hempstead Rifles left Washington for the war, and Baldwin & Knox received \$179.36 for painting the courthouse. In July Jail Commissioner Green reported that plans for building a jail be deferred until a more auspicious time. Commissioner Trimble presented drawings of the ground plan and front elevation for the clerk's office, but it was destined never to be built.<sup>15</sup>

Work on public buildings was forgotten as the people struggled to survive the horrors of the Civil War. Yet, Judge James R. Page took time to appoint Sheriff Milton T. Holt as commissioner of public buildings in January 1863. The only other war-time consideration of the courthouse followed the capture of Little Rock, when County Clerk Simon T. Sanders presented a petition authorizing him to remove all the county records in case the Federal Army took possession of the town of Washington, which the court ordered, saying, "He act upon his judgement as to what shall be removed, the time when, and the place where they shall be removed."<sup>16</sup>

After the Civil War county business returned to normal under Judge Alfred H. Carrigan. In January 1866 the court reconfirmed Milton T. Holt as commissioner of public buildings, ordering him to have the courthouse and clerk's office put in suitable repair, and that he take the necessary steps to collect from the United States



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET

DOTTED LINES REPRESENT HALF-INTERVAL CONTOURS

DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

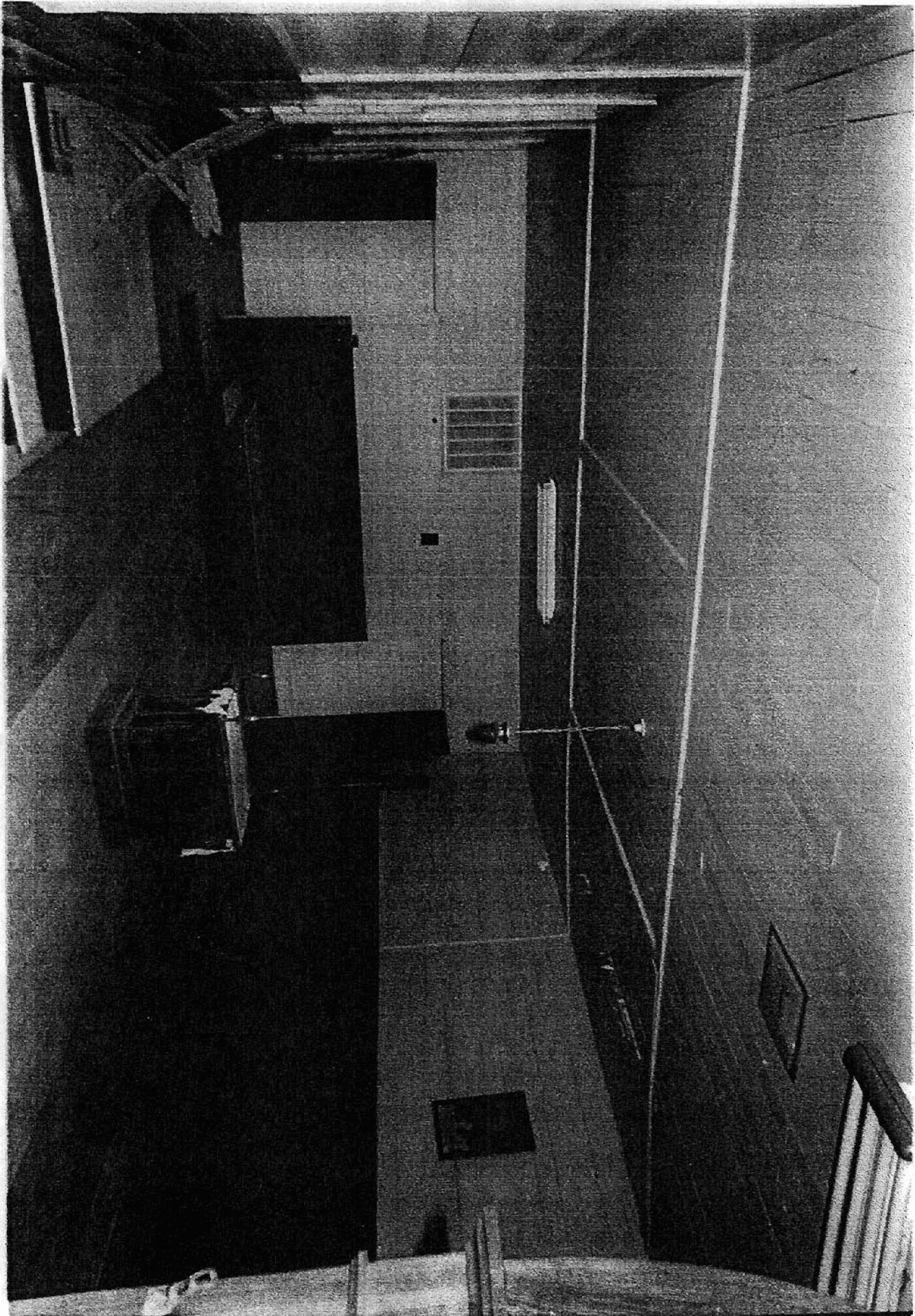
NATIONAL SURVEY, FEDERAL CENTER, DENVER, COLORADO OR WASHINGTON 25, D. C.

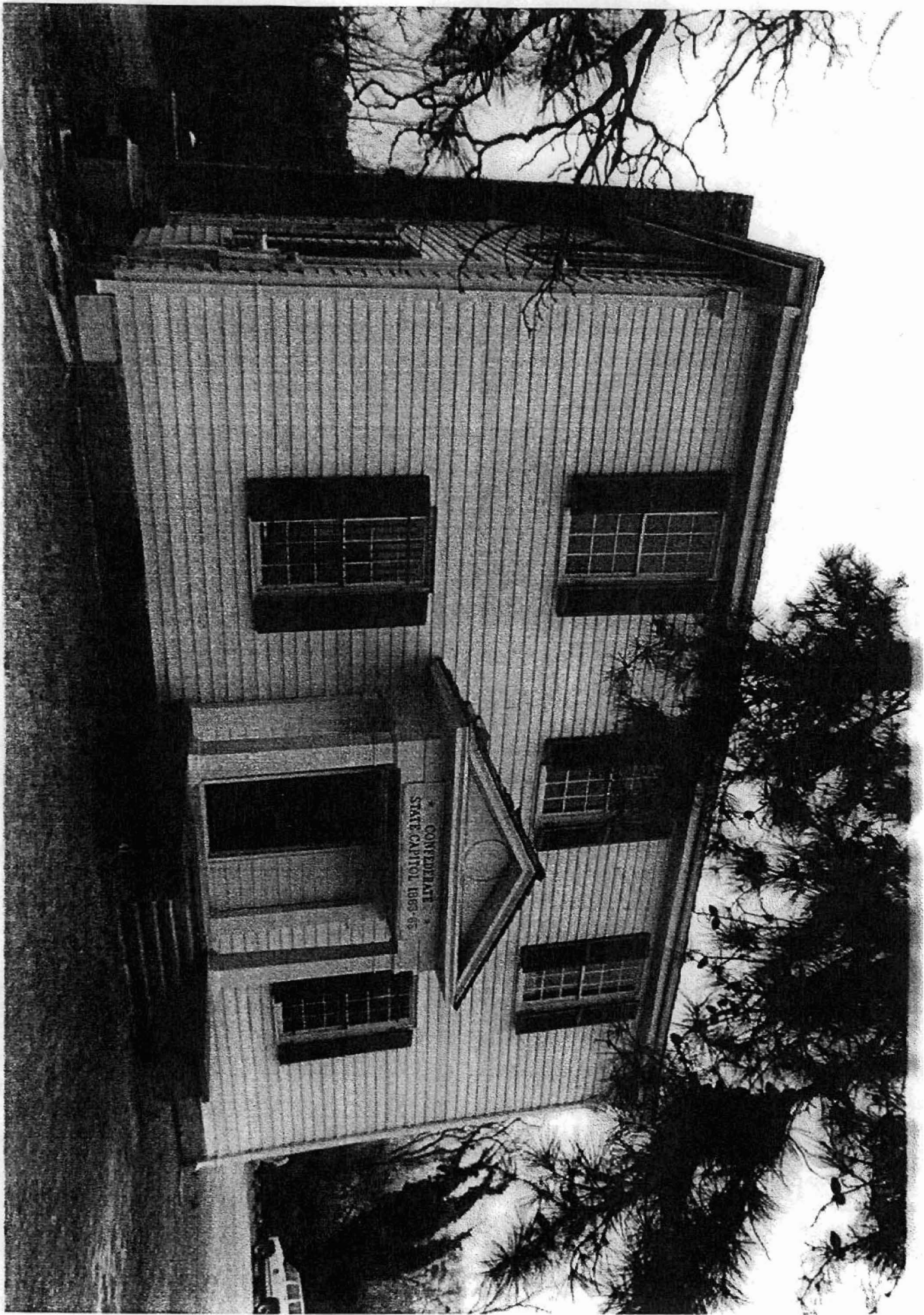
RESOURCES AND DEVELOPMENT COMMISSION, LITTLE ROCK, ARKANSAS

DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Confederate State Capital  
 Washington  
 Hempstead County, AR  
 Latitude 30° 46' 43.2"  
 Longitude 93° 40' 41.6"

435101 3405086





CONCORDIA  
STATE CAPITOL 1885-85

