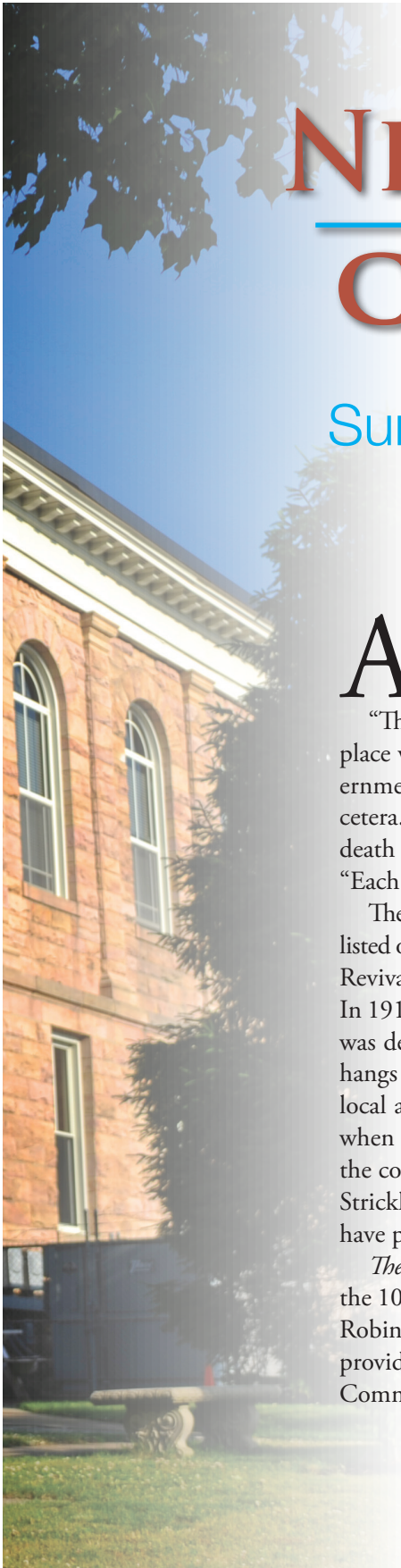




Photo courtesy of the
Supreme Court of Appeals of West Virginia.
Photo by Jeff Gentner.



NICHOLAS COUNTY COURTHOUSE

Summersville structure is a focal point for the area.

All 55 counties in West Virginia have a courthouse. But what does a courthouse signify? According to retired Nicholas County attorney, Tim Ruckman, there's not one clear answer.

"The courthouse symbolizes different things to different people," Ruckman said. "It is a place where people seek justice in the courtroom, a building for different branches of government to conduct business — Sheriff's Office, County Commission, Circuit Clerk, et cetera. A courthouse also serves as a depository for records — deeds, wills, marriage license, death certificates ..." For Ruckman, this hodgepodge of busy offices works interdependently. "Each office has a special twist to it," he added. "Together, they function as the government."

The Nicholas County Courthouse, located at 700 Main Street in downtown Summersville, is listed on the National Register of Historical Places. The structure is designed in the Neoclassical Revival style. The primary building material was locally quarried Lower Gilbert Sandstone. In 1910, a jail was added, and in 1940 a further addition, which reflects Art Deco influences, was designed by Levi J. Dean and executed by the Works Progress Administration. A bell hangs in the stately bell tower mounted to the roof, and according to Ruckman, in the past local attorneys would gather in the pool hall across the street from the courthouse. Then, when a verdict was rendered, the bell rang to summons all the attorneys to return. Inside the courthouse hang the portraits of four of the judges: Dana Herold (1961-1968), Elmer Strickler (1969-1987), James Wolverton (1987-1992) and Gary Johnson (1993-2016) who have presided over Nicholas County.

The Nicholas Chronicle reported that on April 13, 1998, more than 650 people gathered for the 100-year celebration of the Nicholas County Courthouse. Supreme Court Chief Justice Robin Jean Davis made a speech, during which she told the audience of the importance in providing a safe, clean, and modern courthouse. She went on to say the Nicholas County Commission was first to apply for a grant from the Justice Department.

By Betty Dotson-Lewis

Nicholas County received \$106,200 in grant money to add a security system and make other renovations, including the installation of an elevator to make the building handicap accessible; removal of two upstairs fireplaces and the additional of restrooms. Additionally, imitation wood paneling was replaced with real wood panels in the courtroom. The West Virginia Division of Culture and History awarded a \$10,000 matching grant to replace windows in the courtroom with the stipulation the new windows look exactly like the old wooden ones. A total of \$168,000 was obtained in grants from various funding sources for the renovations. Chief Justice Davis attributed the renovation success not only to grant monies but also the combined efforts of Judge Gary Johnson, the Sheriff's Department and the Circuit Clerk's office.

However, it must be noted that the current imposing stone edifice is not the original courthouse. To get the full story, we need to go back to the origins of Nicholas County.

The creation of Nicholas County

On January 30, 1818, the Virginia legislature created Nicholas County from parts of Randolph, Kanawha and Greenbrier Counties. This rural county, named for Wilson Cary Nicholas, a Virginia governor and U.S. Senator, is nestled in the arms of the Appalachian Mountains on the Allegheny Plateau. Four rivers flow around the hills and deep into the hollows where farmers and coal miners, largely of Scotch-Irish and German descent, make their homes. When the 2013 census was taken, the county had a population of nearly 26,000.

Nicholas County was under the State of Virginia from 1818 until West Virginia became a state on June 20, 1863. During this forty-five year period, the county was governed locally by the County Court system.

County seat controversy

The organizational meeting for the county was held at the home of John Hamilton at Cross Lanes on the second Tuesday in April 1818. An oath of office was administered to members responsible for county set-up. The next meeting was scheduled to be held at the home of James Robinson on Muddlety in May.

Controversy erupted as soon as creation of the new Nicholas County was assured. The disagreement was over the location of the county seat and site for the courthouse. A group of citizens, headed by Archibald Hutchinson, planned to have the county seat located at Hutchinson's farm on Muddlety. Wilson Cary Nicholas, the county's

namesake, approved this plan, which resulted in town lots and sites appropriate for public buildings being laid off. It soon became public knowledge that John Hamilton and his followers wanted the county seat to be located in Cross Lanes. This resulted in a deadlock, and emotions ran high. Robinson resolved the dispute by offering to furnish a building in Summersville to be used as a temporary courthouse. This is how the county seat of Nicholas County came to be located in Summersville.

Nicholas County's first courthouse

Commissioners John Wilson, John Welch and William Marteny were appointed to locate land suitable for construction of a permanent courthouse in Summersville.

The June 1819 court term was held in the temporary courthouse furnished by Robinson. Business conducted at that term included approval of \$200 for the erection of a jail and the amount of \$574 was given to John G. Stephenson for the construction of a larger building. Approval was also given for the erection of a whipping post and stocks and pillory on the public grounds to serve as aids to dole out punishment until a jail was constructed. The whipping post, stocks and pillory were left on the courthouse grounds until the Civil War.

Commissioners in charge of site selection for a permanent courthouse recommended a tract of land known as Arbuckle's Tract. It was made up of five hundred acres, adjoining the land of John Groves on the southeast side and located near a large double white oak located near the office of John D. Alderson. The letter "N" was to be carved in the double white oak. It is believed the double white oak tree was near what is now The Quilt Shop on Main Street.

James Given was contracted to build the first courthouse. The building was sufficiently completed to hold its first meeting there on July 4, 1820. However, Givens was slow to complete the job, and an order for non-performance was issued against him. The building was not painted until 1830.

The first courthouse was a frame building measuring thirty feet by forty feet and two stories high. The lower story was used as the main courtroom. The upper story was divided into three rooms for use of holding juries and witnesses. The timbers for the framing were hewn out, and the walls, floors and ceilings were of boards cut with whipsaws. John G. Stephenson and his brother, Joshua, furnished the lumber from their lands on Peters Creek. Givens was paid \$800 for the carpenter work. This courthouse was in use until 1895.



Bridges make crossing Muddlety Creek easy for hikers who use the Muddlety Trail in Nicholas County, West Virginia. Photo by Linda Sproles.

The need for a new courthouse

A committee was appointed during the June 1882 term to examine the existing courthouse to determine what repairs were needed. The committee determined the building was unsafe and money would be lost to try to repair the building. The court did nothing in response to this report. The building continued to crumble to the extent that it became necessary to brace the leaning walls with long timbers the size of telephone poles set at an angle of about forty-five degrees against the eastern wall at the upper story, and for several years this makeshift kept the courthouse in use.

Finally, in 1894, plans were made to build a new courthouse after a class at the Normal School in Civil Government called a mass meeting to consider the need for a new building. At the end of the meeting, during which time the pros and cons were debated, A.J. Horan, a prominent lawyer, made a speech commending the students for taking up the topic. He agreed that the old courthouse was unsafe, and also stated that the current courthouse was in violation of law, which required all courthouses to be constructed of brick or stone.

At the September Court Term in 1895, James S. Craig, L.W. Herold and W.A. McClung were named as members of a building committee. They were directed to secure plans and bids for the new proposed courthouse. It was stipulated that the building was to cost no more

than \$22,000 and be paid in installments out of the annual levies from 1897-1900.

The County Commission accepted plans for the new courthouse from Frank E. Davis and H.R. Davis, architects from Baltimore, Maryland, at their December 8, 1895, meeting. The plans called for a courthouse to be 53 by 92 feet and constructed of stone. The lower story was to be 13.5 feet in the clear, the courtroom to be 25 feet in the clear, the height of said building to be 48 feet from cellar floor to top of wall. The cost was not to exceed \$22,100. Architects advertised for bids in 1896. Each bidder was required to post a \$250 bond with his bid. Local or Indiana sandstone was to be used for trimming stone. Sealed bids were to be opened on April 29, 1896.

The bid was awarded to Fouse & Reich of Parkersburg on their bid of \$21,978. The courthouse was completed in March 1898 and was dedicated on April 13, 1898. A journal was found in the old records of the County Commission containing a list of visitors who attended the dedication.

Growing pains

As Nicholas County's population and the county government continued to grow, additional space was needed. The County Commission, responsible for the actual building, secured funds for construction of a three-story building to be constructed on Church Street across

the street from the main courthouse. On Sept. 15, 1979, the McClung Annex was dedicated.

Since adding the McClung Annex, the County Commission has added at least two additional annexes to its system including a building on Broad Street. This building now serves as the Nicholas County Day Reporting Center. The third annex is located directly across from the courthouse on Main Street and is used for WVU Extension Service.

Nicholas County Courthouse today

Over the years, the Nicholas County Commission has not only continued to add physical buildings to its courthouse complex, but just as importantly, it has embraced the world of technology.

In March 1980 an important milestone was reached

with the implementation of electronic polls, providing faster voting for those waiting in line as well as making it possible to obtain election results sooner. Later, an official Nicholas County website — www.nicholascountywv.org — was launched. It includes information about the county and services offered within the courthouse as links to other organizations and points of interest.

The historic courthouse located in the center of town acts as a hub for county activities. The grounds are beautifully kept and there are several monuments honoring the county's military, firemen, a deputy and a sign on the establishment of Summersville. There is also a picture and the story of Nancy Hart, a noted, beautiful Confederate spy who was captured in July 1862 while leading an attack during which most of Summersville was burned. There is a cannon that kids love to climb

on and comfortable benches for resting and visiting. Visitors can learn a great deal about Nicholas County before entering the courthouse.

Visiting “wild and wonderful” Nicholas County

Nicholas County, located in the heart of coal country, has suffered the loss of coal-mining jobs like so many nearby counties, but residents are resilient and resourceful. This county has turned to tourism to help boost the economy.

Nicholas County has achieved national recognition as a place for outdoor recreation. As part of the New River Gorge region, the county offers numerous activities revolving around water. If you like boating, fishing, skiing, whitewater rafting, scuba diving, jet skiing or sun bathing, then Nicholas County is your destination. Summersville Lake and the Gauley River are both national recreational areas.

Summersville Lake has over 2,700 acres of water and 60 miles of shoreline. Campgrounds, cabin rentals, boat rentals and beaches make this area a fun family vacation area. Summersville Dam controls the lake, and water that is released each fall feeds the world-renown Gauley River, where whitewater enthusiasts challenge the rapids of this mighty river.

Richwood, on the east side of the



The Summersville Lake Retreat Lighthouse, overlooking Summersville Lake, was erected in 2012. Weather permitting, visitors can climb 122 steps inside the lighthouse to reach a 360 degree gallery deck offering panoramic views of Summersville Lake and the Gauley River National Recreation Area. Photo by Donna Keblesh.



Carnifex Ferry Battlefield State Park is located on the site of a Civil War battle that was a failed attempt of the Confederacy to regain control of the Kanawha Valley. As a result, West Virginia statehood proceeded without serious threat from the Confederates. Courtesy Summersville Convention & Visitors Bureau.

county is known as the “Gateway to the Monongahela National Forest.” Within a few short miles of the city there are acres of outdoor adventures within the Cranberry Wilderness, the Cranberry back-country, Hills Creek Falls, the Scenic Highway and Summit Lake. This area offers some of the best hunting, fishing, cross-country skiing in the Eastern United States.

Fairs and festivals held throughout the county offer something for everyone. In April, Richwood hosts the largest ramp festival in the U.S. Although Richwood was hit with a 100-year flood in June 2016, residents and volunteers put on the 79th annual Feast of the Ramson. People travel as far away as Canada for this feast. Music lovers will love the annual Music In the Mountains outdoor festival in June. The festival is held at the Music Park, only four miles out of Summersville. This festival is a four-day/night event featuring the top Bluegrass musicians in the country. The Cherry River Festival in Richwood, Craigsville Fall Festival, Potato Festival and Nicholas County Fair also keep visitors and residents busy and entertained.

Civil War enthusiasts will want to visit Carnifex Ferry Battlefield State Park situated on the rim of the Gauley

River Canyon near Summersville. Union troops engaged the Confederates in battle on September 10, 1861. This was an important battle in West Virginia’s desire for statehood. The battle is re-enacted on odd number years. This living history event includes demonstrations of camp life, military drills and re-enactment of the Federal assault on the center of the Confederate line.

The Nicholas County Courthouse is not just a physical structure. It is not just a depository for records or a hub for county government activity. It is all of these things in a sense, but more importantly, it serves as the symbol of why this country was founded and how the very principles of justice are able to withstand the test of time. **WVL**

Acknowledgment: Attorney Steve Davis collected a history of the Nicholas County Courthouse for the 100 years celebration. I have relied on this material in helping to write my story.

Betty Dotson-Lewis is a West Virginia writer, whose work focuses on the Appalachian coalfields. Her latest publication is *Story of the Summersville Dam and the Mighty Gauley River in the Hills of West Virginia* (August 2016).