

ODDS & ENDS #29

—There was once a huge white oak tree in Chester county's Richburg community at the junction of highways 21 and 9 which locals called the "Cornwallis Tree." In the year 1945 the tree was measured. Its trunk was 21 feet in circumference and the limb spread was 115 feet at its widest.

At that time the magnificent oak was in the yard of Jay Osmond Barber. Every year he fed the tree 500-1000 lbs. of high grade fertilizer.

Tradition had it that Lord Cornwallis (1738-1895), commander of British forces in the American Revolution, had tied his horse to the young tree. The horse is supposed to have bitten off the tree top which naturally caused the lower limbs to branch out.

The size of the tree turned it into a well-known landmark. For many years, political rallies with their accompanying "stump speeches" were held there. It was a favorite picnic spot. The tree was a meeting place for veterans of the Spanish-American War and of World War I.

When the War Maneuvers of the fall of 1941 were held, it was reported that , "Under its wide and sheltering boughs as many as 200 soldiers rested for a night." One of the Signal Corps units made the tree its headquarters. Mrs. Barber took the GIs refreshments, magazines and daily papers.

A few years later the Cornwallis tree succumbed to old age and had to be cut down but is still remembered by many who marveled at its size as well as its longevity.

—Before 1820 jurors called to serve in the county courts were always members of the militia. Travel was difficult so by choosing militiamen it was thought that there would be some assurance that the potential juror could at least manage to get to the courthouse. But, the population increased and the court's case load increased while the size of the militia stayed the same. The requirement was dropped in favor of simply making all adult free males with no criminal records liable for jury duty.

The York District Common Pleas Journal of 1825-1836 recorded some of the problems the court had with their broader jury pool.

John Matthews reported but he did not return after the court recessed for a brief period. His excuse was that he took the opportunity to purchase some merchandise to send home by his son. He didn't hear the call to return to the jury box because of the noise in the streets. And, he added, that he had made 'too frequent use of Cider which deceived him." Matthews said that he was a little inebriated and "trusts that the Court overlook his neglect." He was excused.

David McSwain was also excused. He explained that he had come to York to serve but did not know he should be in the courthouse. He had seated himself in Bratton and Steele's store instead. "He is an uninformed man and did not know it was his duty to do so or else he would have done it."

The records show that the judge was more than likely very tolerant of those who offered excuses for not serving. George Farrar's excuse was an exception.

Farrar was ordered to Gaol (Jail) "for a Contempt of Court in using improper and profane Language."

Years later Dr. Maurice Moore wrote that "Court Week" brought in whole families. The men, whether serving on the jury or just observing, would be inside the courthouse. The women and children were on the streets, shopping and socializing.

Dr. Moore recalled that on such a day in 1810 he heard the first piano ever brought into York District. Someone played the piano in the home of John Hooker, a lawyer and native of Connecticut. The window was open. People gathered to listen. One person dared to go inside to see the source of the "strange sweet sound," and was followed by many others entranced by the performance.