

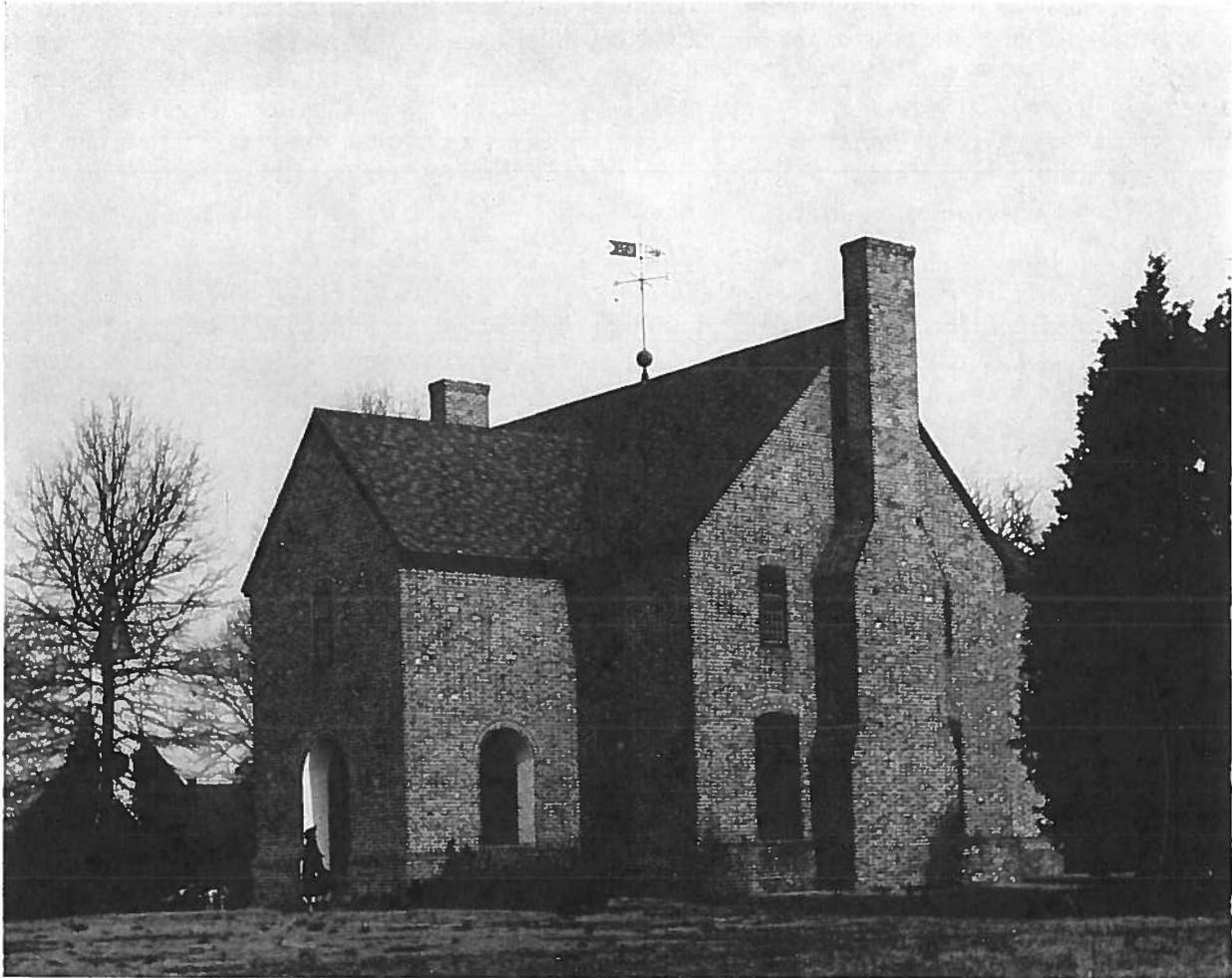
THE COUNTY COURTHOUSES AND RECORDS OF MARYLAND

Part One: The Courthouses

by MORRIS L. RADOFF



PUBLICATION NO. 12
THE HALL OF RECORDS COMMISSION
STATE OF MARYLAND
Annapolis, 1960



Replica of State House (1674), 1934

ST. MARY'S COUNTY

Courthouse at John Hammond's

Although Giles Brent appointed justices to hear cases in St. Mary's County August 26, 1644,¹ there is no record of a fixed place of county government until ten years later. On October 20, 1654, the General Assembly passed an act establishing a county court² and shortly thereafter, December 5, 1654, John Hammond was authorized to build at his own cost a fitting courthouse and jail. In return for this service he was granted permission to operate a ferry over Newtown River for the convenience of those having business with the court, and he was also allowed to sell wine and hard liquor at retail.³ The best authorities now believe that this courthouse was located on Hammond's property about a mile east of Leonardtown.⁴

Courthouse at St. Mary's City

When the General Assembly adjourned, October 18, 1694, it was understood that barring an emergency this session, which began September 21, would be the last ever to be held in St. Mary's City. Among other things left behind when the State government departed was the handsome, if fragile, state house then only twenty years old. A replica of this large cross-style building, one of the most remarkable in the colonies, was built as part of the Maryland Tercentenary Celebration in 1934.⁵ The specifications of the General Assembly authorizing the structure are unusually full:

An Act for the building of a state house and Prison att S^t Maries.

To th end there may be a decent and Convenient place for the administracōn of Justice and a prison Erected for the Restraint of Malefactors & persons indebted the two houses of your Lordships Generall Assembly Doe pray that itt may be Enacted that there be a State house & a prison built att the City of S^t. Maries And Bee itt Enacted by the Right Hon^{ble}: the Lord Proprietary with the aduice and Consent of the upper and lower houses of this present Generall Assembly and the Authority of the same That there be a state house and Prison built att the City of S^t Maries the said state house and Prison to be built of brick or stone with lime & sand and to be Covered with Slate or tile laid in Morter and to be of these demencōns (viz^t) the said State house to be two Stories high and to Continue in length forty five foote from outside to outside with a porch in front sixteene foote Long and twelue foote broad in the Clear on the Inside and a staire case over against the Porch on the other side sixteene foote Square in the Cleere on the inside the first story of the said house Porch and staire Case to be twelue foote from the topp of the floore which shall be paved with flatt paveing Stone or Brick to the lower side of the summer and the second story to be Nine foote in the Cleere from the upper side of the board to the lower side of the summer the walls of the said house Porch and staire case to be built vppon a good secure and sound foundacōn of twenty eight inches thick from the bottom of the said foundacōn to the water table which shall be three foote Cleere aboue ground and made shelving of and The Rest of the said story to be twenty four Inches thick upp to the first floore the walls of the second story of the said house Porch and staire Case to be Ninteene Inches thick upp to to the wale plate and soe from the wall plate to the brest of the windows

¹ *Arch. of Md.*, III, 150-51.

² *Ibid.*, I, 347.

³ *Ibid.*, X, 410.

⁴ Much of the information in this paragraph comes from Edwin W. Beitzell, "Newtown Hundred," *Md. Hist. Mag.*, 51, 125-27. No description of this courthouse seems to have been preserved nor is it certain that it was not replaced before the county seat was transferred to St. Mary's City. The total loss

of the county records has caused this gap in our knowledge of the courthouses of St. Mary's County, a gap which is likely never to be filled. It is worth noting that on August 7, 1677, court was held at the house of Stephen Murty at Newtown (*Arch. of Md.*, LXVIII, 91). Was Murty an innkeeper?

⁵ For a thorough study of the original building and the replica see Henry Chandlee Forman, *Jamestown and St. Mary's, Buried Cities of Romance*, Baltimore, 1938, pp. 282-95.



Courthouse of 1831

of the Garrett att the Gable Ends and from the brest of the said windows upp to the point of the Gable Ends fourteen Inches thick onely the said Porch to haue an arch in front six foote wide in the Cleere and Eleven foote high to the Keystone of the Arch with two Arches on each side aboue the bentles and agate into the hall of five foote wide and tenn foote high the Stairecase to haue a door to open out of the hall of the same demensions and a private doore to open into the garden of three foote wide and six foote high vnder the first halfe pace of the staires which staires shall be halfe pace Staires six Inches and a halfe riseing & a foote in stepp for the first story, and six Inches riseing and a foote in stepp for the second story all to be made of good white Oke quartered Planck and a window vppon each halfe pace the Inner doores of the first story of the said house to be four foote wide Eight foote high as alsoe the windows of the Hall which shall be Eight In number with double lights divided with a transome att two thirds of the hight of the said windoes the doores of the second story to be three foote & halfe wide and seven foote high and the windoes of the said story two foote & half wide & five foote high with double lights to be divided with a Transome att two thirds of their height which said windoes in the second story shall be eight in number as in the first story directly over the windows of the first story besides one in the second story in the Porch of the same demensions with those in the Chambers of the second story that there be three particõns in the second story as the Gouvernour shall direct the said particõns double Lathed and plaistred the floores to be laid with quartered planck inch & quarter thick after plained either good white Oke or Pine of this Cõuntrey sawen while the Turpentine is in them the doores all bottened with good substanciall hinges Spring stock locks & Latches two Iron Casements to every window in the said house the frames and Casements to be well laid in Lynseede Oyle according to art and glazed with good Cleer square glasse, the summers and Girders for the floores to be sixteene & twelue Inches square the Iyce six and four Inches square standing twelve Inches a sunder the wall plates all round the house porch and Staire Case to be twelue and seven Inches square the Rafters Eighteene foote & halfe long standing twelue Inches a sunder with six paire of principalls and double purloines framed in even with the Rafters & to be morticed in & every paire of Principalls to be braced in & every paire of Rafters to haue two buttoned braces to the Collor beame every paire of Principalls to be tenn & Eight Inches square the purloines six Inches square the small Rafters four and three Inches square to be topped with mortice and Tennant and pinned att head & hipp tenanted att the foote the Laths for the tile of heart of white Oke & one Inch thick the principall Rafters of the porch & staire Case to be seven & five Inches & the feete of the Rafters to Jett over a foote & halfe on each side with Basboards att the Gable Ends & Piramedes the whole house to be well plaistered within & the Roofes well sealed & the walls well pointed without with good lime the said Prison to be Substantiallly built of Stone or brick laid in lime & sand twenty four foote long in the Cleer within & fifteen foote wide within Nine foot high to the plate and a particõn in the midle with a floore below paved with flatt Stone or Brick and another aboue laid with planck and Covered with tile laid in mortar with Sufficient locks barrs and windowes fitt for a prison the said state house and prison to be Compleate & ended by the Last day of October which shall be in the yeare of our Lord God 1676 And for the building of which State house and prison Bee itt Enacted by the Authority aforesaid and with the aduice and Consent aforesaid that there be Leavyed by the Gouvernour and Councill by an Equall Assessment vppon the taxable persons of the said Prouince the sune of three hundred and thirty thousand pounds of Tobacco to be payd to John Quigley his heires Executors or administrators who hath vndertaken to build the said state house & prison by the Last day of October which shall be in the yeare of our Lord God 1676 as aforesaid the same to be Leavyed and payd as aforesaid when the said John Quigley his heires Executors or administrators shall fully and Compleately have finished the State house and prison in manner & forme as is in and by this act before Expressed and declared.

Provided allwaies that the said John Quigley Carry the Roofe of the upper staires of the statehouse of sufficient heighth that there may be Convenient landing & head way att the Topp of the staires.⁶

Although this building seems to have been continually in disrepair from the beginning, it was still usable in 1695, and the General Assembly rather than sell or otherwise dispose of it, gave it to the justices of St. Mary's County so "That the place for holding the County Court of S^t Marys County shall forever hereafter be att the City of S^t Marys in the State house of

⁶ Arch. of Md., II, 404-07.



Courthouse of 1901

the said City there formerly built att the Cost and Charge of this province and in no other place of the said County whatsoever the same State house being hereby Allotted and appointed by this present Generall Assembly to the County of S^t Marys for holding and keeping their Courts in and such other decent Services as to the Justices of the same County in full Court shall be Consented and agreed to.”⁷

But after the lapse of only a very few years the same residents of St. Mary’s County and City who had tried to persuade the members of the General Assembly that St. Mary’s City—and not Annapolis—was the most convenient place in the Province for the holding of courts and for other governmental business, now argued that St. Mary’s City was not even a convenient place for the county seat of St. Mary’s County! We know that in 1697/8 the state house was still in use as the county courthouse,⁸ but sometime between that date and 1708 it ceased to serve that purpose.

First Courthouse at Shepherd’s Old Fields—Seymour Town

In an act of the November Session of 1708, the General Assembly notes that “the publick buildings and the Lands thereto belonging in the Town of S^t Maries in S^t Mary’s County are now diverted from the Use for which they were intended, therefore it is thought fitt the same be Sold and disposed of for the use of the publick.”⁹

In the same act, permission was granted for the selection of Shepherd’s Old Fields as the new site for the county seat, and commissioners were appointed to lay off a town and to erect the necessary buildings. And until the buildings were ready, the court could meet at the place of Thomas Cooper near the new town site. When the General Assembly convened for the October Session of 1710, this new wooden courthouse was finished and an act was passed authorizing the justices of the county to continue meeting at the new site, which was then already known as Seymour Town¹⁰ and which was later to become Leonardtown.¹¹ The justices were now absolved from the mandate of the Act of 1695 requiring them to meet forever afterward in the old state house at St. Mary’s City, and they were ordered to remove the records from that place to Seymour Town.

Second Courthouse at Seymour Town—Leonardtown

In 1736, the General Assembly empowered the justices of St. Mary’s County to replace the wooden courthouse which had fallen into disrepair, and to build a new courthouse and repository for the records; and the act further specified that the new building or buildings should be of brick.¹²

It seems that this courthouse of 1736 was extraordinarily sturdy for we hear of no complaint for almost a hundred years. It must have been large too for the times in order to meet the expanding needs of the court, but since there is no description, we cannot be sure. In any case, it survived until March 8, 1831, when it caught fire and was almost totally destroyed.

Third Courthouse at Leonardtown

In the ceremonies accompanying the cornerstone laying of the new building, it was said that “the Seat of Justice of St. Mary’s County accidentally took fire and notwithstanding the presence of a large concourse of Citizens the flames had progressed too far to be arrested, and the building with many of its land and other records was entirely consumed.” The Levy Court

⁷ Ch. 13, Bacon’s Laws. Text taken from *Arch. of Md.*, XIX, 214.

⁸ *Arch. of Md.*, XXII, 102.

⁹ Ch. 3, Bacon’s Laws. Text taken from *Arch. of Md.*, XXVII, 349.

¹⁰ Ch. 6.

¹¹ Ch. 16, Acts of 1728.

¹² Ch. 14, April Session; *Arch. of Md.*, XXXIX, 483.



Courthouse with Additions of 1957

appointed commissioners to build a new courthouse immediately. These gentlemen borrowed \$8,510 for the purpose from Robert Gilmore of Baltimore. The architect was William F. Small of that city and the builder, Ignatius Mudd of Washington, D. C. On August 6, 1831, the cornerstone was laid by Captain George Dent, a veteran of the Revolution, and the oration was delivered by Henry G. S. Key. Among the items deposited in the cornerstone was the motto "May the arrow of death quiver in the hearts of those who attempt to stifle the pure ermine of Justice within these walls."¹³

Such was the impressive beginning of the handsome Italian Renaissance structure created by William Small.¹⁴ Legislative authorization for the project was forthcoming at the next session of the General Assembly¹⁵ and the county seems to have taken possession shortly thereafter.

Additions to the Courthouse at Leonardtown

This building continued in use until 1899 when it was razed to make room for the Victorian courthouse, which was completed by 1901 at a cost of about \$22,000.¹⁶ This building was not so imposing as its predecessor, but it provided adequate space for fifty years. It was designed and built by the B. I. Smith Company, Contractors. The chronology of the building is quite full because the minutes of the building committee on which his grandfather, Enoch Booth Abell, served have been preserved by Thomas E. Stokel of Leonardtown. We know from this source that the removal of the old building was completed on May 4, 1901, and the foundation of the new begun May 6. We are also told that Joseph H. Key was selected as orator at the cornerstone ceremonies and that George B. Dent was chosen to lay the stone. It has undergone extensive remodeling in recent years, and in 1957 it was entirely rebuilt according to the plans of Frederick Tilp, Architect of Washington, D. C. The contractor was Mervell M. Dean, Hollywood, St. Mary's County. The approximate cost of the work was \$450,000, part of which was derived from a bond issue authorized by Chapter 108 of the Acts of 1955.¹⁷

¹³ This information is from *Chronicles of St. Mary's*, I, No. 1. Leonardtown, St. Mary's County Historical Society, June 1953.

¹⁴ For other examples of his work see Richard H. Howland and Eleanor P. Spencer, *The Architecture of Baltimore*, Baltimore, 1953, pp. 59-60.

¹⁵ Ch. 55, Acts of 1831.

¹⁶ The bond issue to pay for the building was authorized by Chapter 4, Acts of 1902.

¹⁷ This information was courteously furnished by Mrs. Sara M. King, Clerk to the County Commissioners, and the Honorable C. Benedict Greenwell, Clerk of the Circuit Court for St. Mary's County.