



THE MONTGOMERY COUNTY STORY

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MONTGOMERY COUNTY COURTHOUSES

by

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"AND THAT'S OUR COURTHOUSE!!"

Throughout the length and breadth of the land citizens are pointing out to strangers the local building that is their pride and joy. Actually a motorist driving through a rural town does not need to have pointed out to him which is a church, which is a school - or which is the Courthouse. That is almost certain to be the most imposing building in the place, probably surrounded by spacious grounds and towering trees. No matter how economy-minded voters are, they always want their Courthouse to be a notable one.

Maryland Counties were created as the need arose for settlers to have facilities for their government conveniently near their homes. The Assembly would set aside a specific area, designate certain men to be the officials and give them authority to levy taxes to erect a Courthouse. This building would provide a place to hold Court, facilities for keeping records and rooms in which the sheriff, court crier, juries, etc. could perform their functions. A jail must be provided, often supplemented by a whipping post, pillory, stocks or the like.

Dr. Morris Radoff, Archivist of Maryland, in his book THE COUNTY COURTHOUSES AND RECORDS OF MARYLAND includes illustrations of the various County Courthouses from the earliest days of the Colony.

Naturally the history of the Montgomery County Courthouse does not go beyond the creation of the County in 1776. Before that time our area had been successively in Charles, Prince George's and Frederick Counties.

In that memorable year - 1776 - the Maryland patriot group overthrew the legal government of Lord Baltimore and assumed control over the Colony. One of the Acts of this Convention was the passage on September 6, 1776, of a resolution dividing Frederick County into three parts. The southern part became Montgomery County, named for a patriot general who lost his life in an expedition against Canada.

To get the new county started the Convention named the following Commission: Nathan Magruder, John Murdock, Henry Griffith, Thomas Cramphin, Jr., Zadock Magruder, Allen Bowie, and John Wilson. These men had all been active in the Revolutionary movement.

On September 6, 1921, the Janet Montgomery Chapter of the Daughters of the American Revolution paid honor to these men at a ceremony on the Courthouse (now called "the old Courthouse") grounds. For each of the men there was a bronze marker, appropriately inscribed, which was placed on one of the trees around the Courthouse. Each marker was nailed in place by a descendant of the man being honored. The trees had been registered with the American Forestry Association and were to constitute a "Hall of Fame".

The first task of the Commissioners in 1776 was to carry out their orders to buy land not exceeding four acres at or adjoining the place a majority of the voters of the new County should select for the County Seat. On this land was to be built a Courthouse and prison. To select the County Seat, an election was held. This unusual procedure was necessary because there was only one town in the new County, Georgetown; it was not acceptable because it was on the extreme edge of the County.

The voters selected the area which is now and always has been the site of the Montgomery County Courthouse. Lacking a name, the cluster of buildings was known for years simply as Montgomery Courthouse. Later a town was laid out here and called Williamsburg. That name was changed in 1803 to Rockville.

No doubt the site for the Courthouse was selected because there were in the area several taverns or ordinaries able to accommodate those coming to Court. One of these, Hungerford Tavern, had been the scene of Revolutionary gatherings.

Before May 20, 1777, the Maryland Assembly had named Justices for Montgomery County. They were: Charles Jones, Edward Burgess, William Deakins, Elisha Williams, Samuel Wade Magruder, James Offutt, and Richard Thompson.

These gentlemen held their first Court on May 20, 1777, "at the house of Leonard Davis". This "house" has not been authoritatively identified. It may have been the house later known as the Russell House on South Washington Street which was torn down in 1913 and replaced by the Baptist Church. A simulated drawing of the Russell House by E. B. Morris is the "head-piece" on the Montgomery County Story.

Other County officials were chosen, including Brooke Beall as clerk. He owned the property now the headquarters of the Montgomery County Historical Society. The house at 103 West Montgomery Avenue in Rockville was built by Upton Beall, who succeeded his father, Brooke, as County Clerk.

Clement Beall was sheriff, Samuel Carnole was Court Cryer. Later, constables were named for each Hundred. As the County business grew new positions were filled, including jailer, tobacco inspectors, prosecutors, etc. At this time all citizens were expected to take an oath of allegiance to the new United States. Officials had to take an oath that they believed in the Christian religion.

The Court realized that it was not possible to acquire a Courthouse immediately, so on May 22, 1777, it was decided to continue to hold their meetings at Leonard Davis' house. Davis was to provide permanent facilities by "July next" (1777 or 1778?) and in the meantime he was to provide "for the reception of prisoners". Brooke Beall, Clerk of the Court, was allowed to keep the Court records at his home.

On August 10, 1779, the Court Record says that they "met at the Courthouse". Was this a new building which Leonard Davis had agreed to provide or was "the Courthouse" the old familiar quarters up-graded to be called a "Courthouse"?

In any case on that date Thomas Owen Williams, owner of the land designated for the Courthouse and the surrounding land, made proposals for repairing the "house they sitt in" and the jail. This building seems to have belonged to Williams, for in the Tax Assessment of 1783, Thomas Owen Williams has on his property "a framed Courthouse". The following proposals were filed in Court by Williams on August 10th, 1779:

To have the House they sit in; the upper and lower floors to be laid. Doors and Windows convenient to the House; the Windows to be Glazed; the lower walls to be filled in with Brick; one fireplace above and one below Stairs; two Rooms above Stairs to be seated for Jurys; Tables and Benches to hold Court; the present Gaol to be fill'd in and made secure with a Stove at the Season of the year when required; the whole to be compleated by November Court next (1779?) and received and approved of by the Court for three years Rent free. Witness my hand the Date above-Tho. O Williams. Upon reading which proposals and consideration thereon by the Court here had, the same was approved by the Court And Ordered that the said Thomas Owen Williams enter into Recognizance himself in the sum of two thousand pounds current money into two sureties in the sum of one thousand Pounds Current Money each for the due and faithful compliance of him the said Thomas Owen Williams with the same proposals so offered and accepted by the Court.

In addition to the above named improvements, Benjamin Ray was paid out of the levy of 1780 to erect a new whipping post, stocks and pillory. How long the court met in this converted house is not known, but in the assessment of 1783 the same Thomas Owen Williams is noted as the owner of a tract of land called "Young Man's Delight" containing two hundred acres and improved by "1 framed Courthouse, 3 framed dwelling houses and 4 old out houses".

The difficulties regarding the acquisition of a Courthouse seem inconsequential when we recall that Montgomery County came into being and went through its growing pains in the period of the American Revolution. Montgomery County and its citizens were involved in the problem of getting a legal government for the State. This was accomplished by holding a Constitutional Convention and having the Constitution it drew up adopted and put into effect. The people of Montgomery had to decide what

they wanted their State to do about joining in the Articles of Confederation. Most pressing of all, troops must be recruited and money raised to carry on the War.

Among all these weighty problems, what were the problems that came before the earliest County Courts?

An ancient book in the Clerk's Office records those early Court Proceedings. J. Thomas Scharf in his HISTORY OF WESTERN MARYLAND includes the substance of these early Court Records. As one looks over them he is struck by some significant similarities between problems then and now, and is perhaps surprised at some practices of our early Courts.

1777 or 1970?

November 11, 1777 Daniel Henry was arrested for saying that he wished Hancock and Adams (John Hancock and Samuel Adams) were taken by the enemy as they were the beginning of the War. On his examination by the Court he was honorably discharged, the accusation being without the least foundation in fact.

George Mitchell was examined "for speaking inimical against the States" and in default of L2000 bail to appear at next Court, was committed to the gaol.

March 1779 James Pelly was fined L5 for indecent behavior to the Court.

DEFINITELY NOT 1970

August 1778 Christopher Buzby was convicted of felony by the petit jury and was sentenced to receive on his bare back twenty lashes and stand ten minutes in the pillory. (This was a usual punishment, the number of lashes and the time in the pillory varying from case to case.)

Various Courts As a rule, one or more women would be brought into Court "for having a base-born child". Action taken was about the same in each case. Usually the woman was committed to servitude for a term of years; often the term was 31 years. Sometimes a fine was levied. A bit unusual was the case of Ann W. who was "sold" for seven years and her child until it arrived at the age of 31 years. Archibald Allen purchased Ann W. for 5 pounds and he released ten years of the child's servitude.

Welfare November 11, 1777, Benjamin Nicholls was ordered to take care of and provide for one negro man. Orphans were usually assigned as apprentices. For example Hiram Kirk, an orphan aged 11, was bound unto Thomas Johns and Thomas Richardson until his majority during which apprenticeship his masters were to learn him the cooper's trade, to read, write and cipher as far as the rule of three; and when free, give him a set of cooper's tools and a decent suit of apparel.

Other matters that were considered by the Court included giving orders for building roads and bridges at specific places; issuing

licenses (mainly for keeping taverns), and laying out rules for them. At first the Court was responsible for deeds, wills and other testamentary business and, beginning 1798, marriage licenses. These activities were handled by special Courts as time went on.

THE LEVY COURT

It was customary in each County for the Court to sit at times as a Levy Court. They authorized expenditures for County business and to individuals who presented bills.

After deciding on the County expenses, the County tax was set. Records of the Levy Court were kept in a separate book. A few Levy Court Records have been preserved.

The State Convention ordered a specific sum to be raised for the Montgomery County Courthouse and prison. The Levy Court divided this sum into three equal parts, and levied one-third each year beginning 1778. Each year this amounted to 433 pounds, 6 shillings and 8 pence. Most County funds went for building roads and bridges.

A peculiar sequence of items is as follows:

March 1778	To William Davis, Constable, for suppressing the tumultuous meeting of negroes.
November 1778	To Thomas Dowden, Constable, for suppressing the tumultuous meeting of negroes.
1779	To William Davis, Constable, for suppressing the tumultuous meeting of negroes.

William Davis was Constable of Upper Potomac Hundred and Thomas Dowden was the Constable of Sugarland Hundred.

From these samplings of the early records we can get an idea of the business in our early Courts. As time went on more and more County business required more space for the Courts. Let's see what our Courthouses were like.

FIRST COURTHOUSE AT ROCKVILLE

In 1784, the General Assembly authorized a levy of 800 pounds in addition to the 1300 pounds previously authorized. Unfortunately, the Act of 1784 gave the authority to spend the additional funds to the original building commission which was unable to act due to loss of membership because of death, illness and removal since the Convention of 1776. The next General Assembly in 1785 appointed a new commission.

This newly appointed commission tried to purchase a suitable plot in 1787 for the courthouse and prison. Failing to do this the area chosen was condemned the following year. Little or nothing is known of this courthouse from official records. Scharf in his HISTORY OF WESTERN MARYLAND states that Francis Kidwell, carpenter, built it. It is possible that the converted house belonging to Thomas Owen Williams

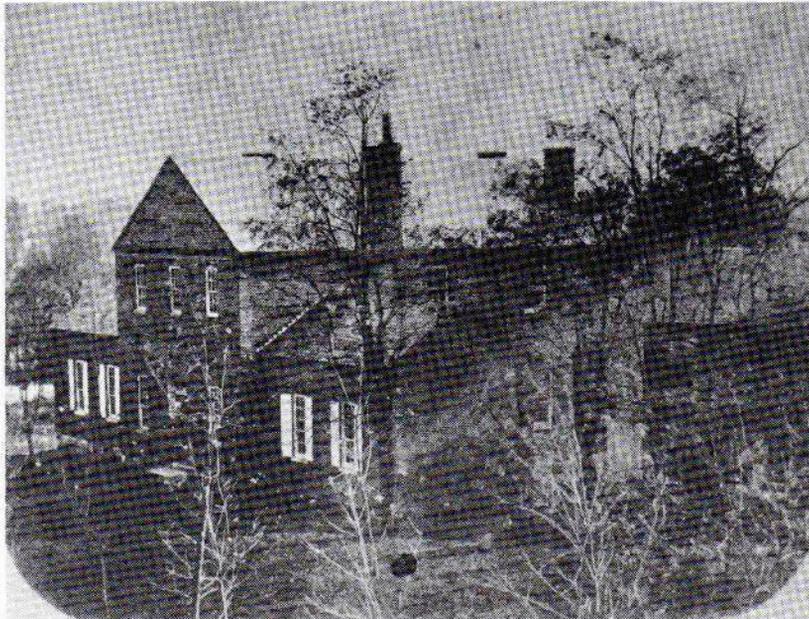
was in use until 1840 and that the courthouse authorized by the General Assembly of 1785 was never built.

The incomplete Levy records for this period do give us some indication of the Courthouse then in use. In 1806 a sum was levied to provide a new roof, in 1807 Upton Beall was allowed \$12.50 to purchase chairs and in the same year Henry Lansdale, who seems to have been in charge of maintenance, was asked to make shutters for the lower windows and to put glass in the upper and lower windows. In 1810, Honore Martin, Upton Beall, and Jessie Leach were commissioned to solve the problem of smoking chimneys even if they had to have them rebuilt.

This courthouse was outgrown in 1810 and in that year it became necessary to provide a separate building in which to house the Clerk of the Court and his records. The General Assembly authorized a levy but did not fix the amount. According to the records we only know that it was to be built on public grounds. This building has long since disappeared. In Montgomery County Deeds P,folio 591 there are recorded the deed and plat for the Courthouse lot; recorded April 20, 1812; Surveyed May 22, 1787.

SECOND COURTHOUSE AT ROCKVILLE

During this early period of our County separate buildings for offices and other purposes proved to be of temporary usefulness. By 1835 a new Courthouse was needed and the General Assembly was again petitioned for authorization to levy up to \$10,000.00 for the purpose of building a new Courthouse. This petition was granted, as was another the next year, which permitted the levy court to borrow up to the full sum allowed in advance of the collection of the levy. This Courthouse was completed in 1840. Originally it had two one-story wings because in 1872 the Montgomery County Commissioners were authorized to "raise the two one-story wings of the Courthouse to the square of the main building".



MONTGOMERY COUNTY COURTHOUSE OF 1840

The resulting structure is shown here. It was surrounded by a fence of iron pickets with heads shaped like Indian arrows. When this Courthouse was razed, the fence was sold to the Darnestown Presbyterian Church and erected around its Cemetery.

THIRD COURTHOUSE AT ROCKVILLE

The Third Courthouse is the one we today speak of as the OLD Courthouse. Inevitably the structure of 1840 became inadequate and there came a time when it was obvious that further additions would not be economical. Once again the General Assembly was asked to grant permission to raze the old Courthouse as well as a building occupied by the County School Commissioners in order that a new fireproof Courthouse could be built that would also accommodate the school commissioners. A bond issue of \$50,000.00 was authorized to supplement the proceeds that could be realized from the materials of the two old buildings.

On March 4, 1890, a building committee was appointed. Dr. Charles J. Maddox was elected president and Allen Farquhar the secretary. Frank E. Davis of Baltimore was named architect by the committee. The plans were ready by May 1 and shortly placed for bids. The bids that were opened on May 27th ranged in price from \$59,000.00 to \$72,000.00. All the bids had to be rejected since it had been agreed that no more than \$50,000.00 should be spent. Mr. Davis modified the plans, the job was re-advertised and on June 18, 1890, eight bids were opened. The low bid was in the amount of \$45,327.00 and the contract was awarded to Mr. Thomas P. Johns of Baltimore for that amount. H. P. Gregory, Washington, D.C. provided the sanitary facilities.

The following is a copy of the statement from the building committee of the receipts and expenditures for building the new Courthouse.

Receipts from sale of bonds	\$51,237.52
Expenditures	
Frank E. Davis	2,302.85
Thomas P. Johns	45,327.00
Advertising	38.47
Building Committee	250.00
Peter and Henderson, Attorneys	20.00
	<u>\$51,237.52</u>

The estimated cost of furnishing the Clerk's and Registrar's offices was \$2,124.00.

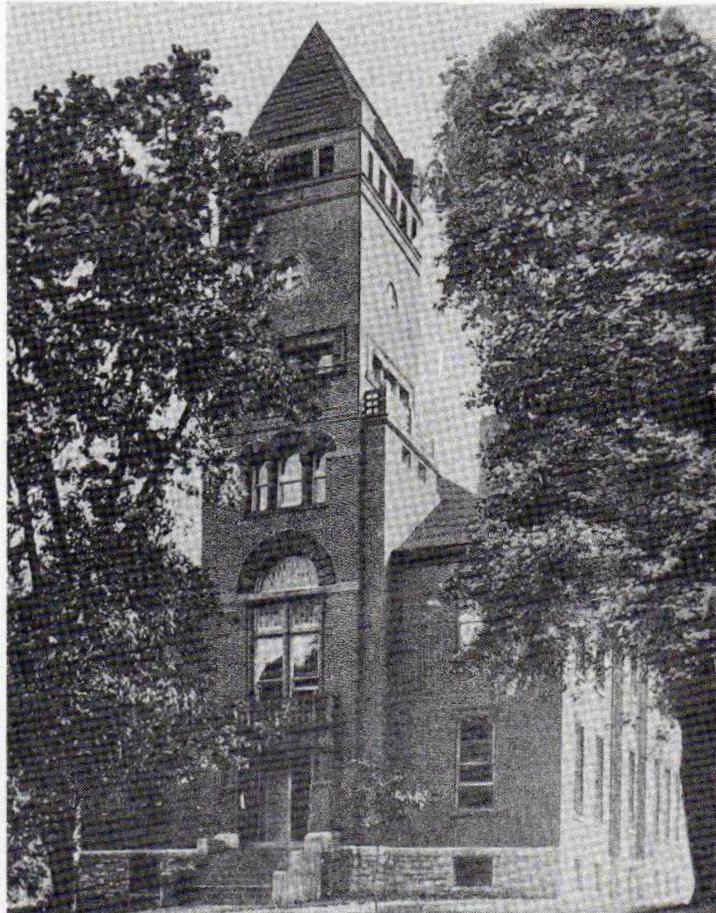
The Courthouse has a frontage of 50 feet with a depth of 102 feet and is surmounted by a tower 96 feet in height. The building is of brick with brown stone sills and lintels and stands upon a foundation of Montgomery granite, 8 feet high in the front and 15 feet high in the rear. The roof of the building is slate. The approach to the building in the front is by way of Woodstock granite steps leading to a wide portico with double doors. In the rear of the basement are two roomy and well lighted offices and the balance of the basement is occupied by the Smead heating and ventilating apparatus consisting of five large furnaces and the necessary pipes, sinks, etc., and two large coal cellars.

The first floor of the building, the east side of which is constructed entirely of iron, brick, cement and terra cotta tile, is entirely fireproof. This floor contains rooms for the Clerk of the Circuit Court, Register of Wills, Orphans Court,

Collector's office, County Commissioners, Sheriff and grand jury. There are also front and side stairways leading to the court room above.

On the second floor are rooms for the School Board, State's Attorney, the judges' consulting room, an apartment for female witnesses and the petit jury room. On this floor is also the main court room - 50 by 60 feet - with a vaulted ceiling 24 feet high and lighted by two immense stained glass windows. The judge's bench, clerk's desk and the seats are all of ash, finished in hard oil, presenting a neat and rich appearance. From the second floor to the lower an elevator has been put in to carry record books to a fireproof room. The halls and stairways in the building are made of iron and cement and all the rooms are provided with closets and embellished with mantels of Tennessee marble.

The woodwork trimmings of the rooms and halls are all of ash, finished in hard oil by L. B. Nicholson who had the contract for the painting of the entire building.



MONTGOMERY COUNTY COURTHOUSE OF 1891

The picture given here shows the building as seen by the passer-by on Montgomery Avenue. It would be seen by passengers on the trolley car that for many years ran once an hour from Bullard's Sanitarium along Montgomery Avenue and eventually to

Georgetown. The wall along the front of the Courthouse was a favorite place for individuals and groups to gather and gossip and watch what was going on here in the center of town.

OLD COURTHOUSE DAYS

1891-1931

The Courthouse was the center of activity especially on Court days. Court Day was Tuesday when the County Commissioners, the Orphans Court and other government agencies held their regular sessions. The really big days were those when the Circuit Court met in Rockville.

Montgomery County was part of the Sixth Judicial Circuit. There were two judges from Frederick County and one from Montgomery, each elected for a term of 15 years. During the hey-day of the Old Courthouse, the judges from Frederick County included:

James McSherry
John A. Lynch
John C. Motter
Glenn Worthington
Hammond Urner

Montgomery County judges were:

John T. Vinson	1882-1895
James B. Henderson	1895-1910
Edward C. Peter	1910-1923
Robert B. Peter	1923-1932

Circuit Court sessions in Rockville began on the 3rd Monday in March and on the 2nd Monday in November. During these Circuit Court periods lawyers, jurors, litigants, and other interested parties flocked into town.

Two hotels, the Corcoran Hotel and the Montgomery House (later the Dixie Tavern) provided rooms and meals. When it was dinner time a hotel employee would come outside and ring a big dinner-bell. Someone would tip off the Judge and Court would be recessed. This noon meal was a hearty dinner, featuring chicken for the city people and beef for the country patrons.

The Montgomery County Historical Society has the register of the Montgomery House from July 24, 1886, to April 1, 1889. Old Montgomery Countians will find it interesting to browse through this volume.

The hotels took care of the horses of their patrons, unhitching them, feeding them their noon-day meal and harnessing them again. Poss' Livery Stable was also available. For short visits to the Courthouse the horse could be hitched to one of the posts provided around the square. As automobiles replaced horses, the parking problem got an early start.

Helping to make things lively around the Courthouse was the steady stream of couples "running away" to Rockville to be married. As many as 150 a month came to get a license from the Clerk of the Court. No waiting period, no health or other tests, but especially the fact that the names of those receiving licenses were not published in the newspapers - these seem to have been among the reasons why so many

came to Rockville for a marriage license. It was, however, necessary for the license to include the name of the Minister of the Gospel who performed the ceremony. Rev. Mr. White of the Baptist Church was always available and performed many marriages for those who did not have in mind any particular minister.

Around the Courthouse square were the offices of many lawyers. A few of the well-known ones were:

Peter and Henderson
Philip D. Laird
H. Maurice Talbott
Anderson and Bouic
H. W. Talbott

The Old Courthouse was the scene of many ceremonies. We have already mentioned the 1921 occasion when the Daughters of the American Revolution marked trees on the Courthouse lawn in honor of the founders of the County Government.

Another ceremony took place on Armistice Day, 1929, when the local Committee of the Maryland War Records Commission presented to the County a metal file box containing a card with the name of and other data concerning each man who had served in the Military or Naval Service in World War I. There were also cards for each person who had contributed to the War effort in a civilian capacity. This data had been compiled by the Maryland War Records Commission which later published it in book form. The File box was kept in the office of the Clerk of the Court for many years. It is now in the Library of the Montgomery County Historical Society.

FOURTH COURTHOUSE AT ROCKVILLE

As the County population increased and County government business grew accordingly, the demand for a larger Courthouse could no longer be ignored. One group wanted to move the Courthouse to Silver Spring. A group of members of the Rockville Bar, headed by Otho H. W. Talbott, asked the County Commissioners to appoint a Committee to investigate the need for additional space for Courthouse business. This Committee was appointed and began deliberations April 24, 1923. Members were:

Benjamin C. Perry
Clagett C. Hilton
Otho H. W. Talbott
Preston B. Ray
Berry E. Clark

At their meeting on May 1, 1923, they recommended that an architect be appointed to draw up plans for additions or alterations to the existing Courthouse.

Differences of opinion developed in and out of the Building Committee and among officials and citizens. One proposal was to purchase the land between Court Street and Washington Street, Montgomery Avenue and Jefferson Street, tear down the buildings and use the land for the new Courthouse.

The 1927 Maryland Legislature approved \$300,000 for the purchase of additional land and construction of a new Courthouse. The Building Committee recommended an additional \$150,000.

In 1929 a new Building Committee took office and this group was able to go ahead, purchase the necessary land, and get the new Courthouse finished by 1931.

The new building is constructed of Indiana limestone in the classic tradition. Delos H. Smith and Thomas H. Edwards were the architects and J. J. J. McDevitt Company of North Carolina was the builder.

The Old Courthouse was attached to the new one. After the Court Room and other departments were moved to the new section, the 'Old' building was used as quarters for the Peoples' Court, Police Headquarters, Surveyor's office and other County government agencies. By 1970, the old Building was declared unsatisfactory and deserted.

"AND THAT'S OUR COURTHOUSE"!

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