

the
first
two
centuries
of
the
**WASHINGTON
COUNTY
COURTHOUSE**

Published in Hagerstown Maryland

LEM E. KIRK, President

JOHN E. EASTERDAY, V. President

HAROLD L. BOYER

ROME F. SCHWAGEL

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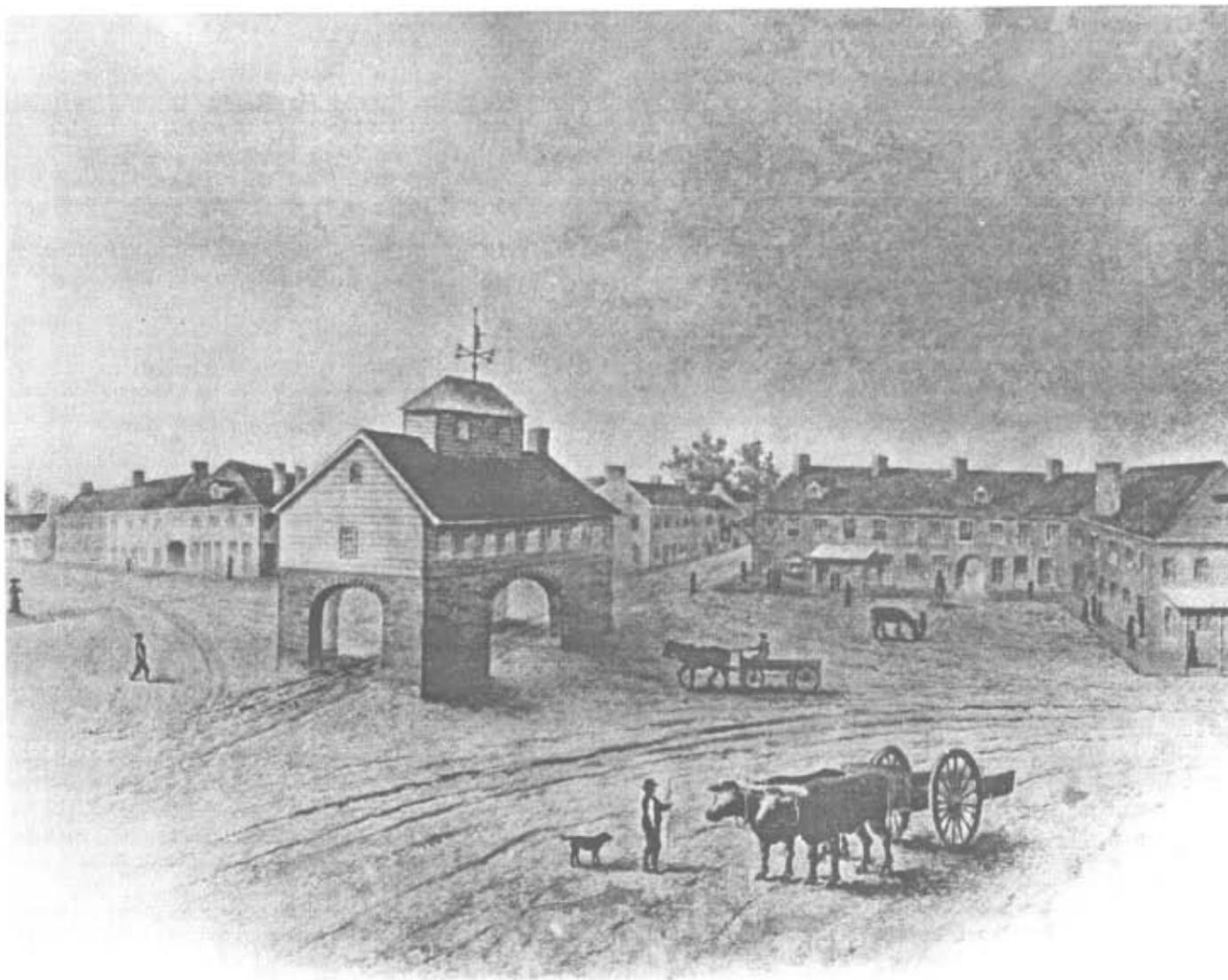
The Commissioners of
WASHINGTON COUNTY
1974

DEDICATION

“...Execute the judgment of truth and peace in your gates.”

Zechariah 8:16

This book is proudly dedicated to the officers and employees, past and present, of the Washington County Court Houses whose combined efforts and deeds in their offices have made possible the events that have transpired within the walls of the three edifices during its first two centuries.



CHAPTER 1 The First Court House "... And so each venture is a new beginning ..." Thomas E. Eliot

Historians have concluded that the original 18th century courthouse stood near the center of what is presently referred to as the 'Square'; a location that was the center of most activities in the community. Here, the two main arteries of travel crossed. All wagons and travelers going Westward passed through the square and by the courthouse. As traffic increased, the old structure made vehicular circulation difficult.

The town market was held in the open arcaded lower level of the courthouse. This further complicated congestion in the already busy and crowded square.

Elizabethtown was growing, the site of the courthouse was impeding progress; a new location would have to be selected.

Scharf describes the first courthouse as follows: "The courtroom was on the second floor, and was reached by a flight of steps on the outside. For a time all elections were held in this room, the voting being viva voce. The elections lasted several days, and were conducted in a very primitive manner. All the candidates sat in a row behind the sheriff, who took the votes. As each elector approached the candidates would take off their hats, bow politely, and solicit his vote. When the contest was very spirited there were of course, some animated scenes, and not infrequently disturbances took place. The windows on one side of the courthouse were protected with wire from random balls, there being a public alley for ball playing on that side of the building. The lower story was open and was used as a market house."

"It seems that the steeple of the old market was surmounted by a little old man of tin, with a rotund abdomen, who was popularly known as 'Old Heiskel,' doubtless from his resemblance real or fancied, to some well-known resident of the town.'

It is interesting to note architectural similarity between the

first Washington County Courthouse and some of the medieval townhalls still standing in small towns along the Rhine River in Germany. Many of the early inhabitants and settlers of Washington County were of German descent; so it is understandable that this parallel of architectural expression would have existed.

The following activities suggest that the courthouse square must have been an important gathering place familiar to all of the citizenry of the county.

In 1794 the following Battalion orders were issued:

"The Captains of the companies composing my Battalion, in the Twenty-fourth Regiment of militia of this state, will meet on the parade at the courthouse, on Thursday, the 30th, to march to Cannon Hill for exercise."

Signed Adam Ott, Major Twenty-fourth Regiment
M.M Washington County, October 28th.

With France and England at war, foreign relations were very unstable at this time. There were feelings of unrest, and preparations were in progress to protect the young nation from the repeated affronts of England and France on the high seas.

On July 14, 1807, many citizens of Western Maryland met at the Washington County Court House to express their sentiments "upon the dastardly outrages committed by the British Squadron stationed on our coasts, on the flag and the citizens of the United States."

Several strong resolutions were adopted at the meeting, and copies were sent to the President of the United States and to the Governor of Maryland. Facsimiles of the resolutions were also to be printed in the Hagerstown newspaper.

When Madison was inaugurated on March 4, 1809, a large number of citizens assembled at the court house in the square to celebrate the occasion.

By 1808, county offices had outgrown the limited space in the court house. The General Assembly passed an Act in December of 1808 authorizing the Justices of the Levy Court to levy a sufficient sum each year to pay the rental for additional space. They also authorized that an additional \$160 be collected to pay the past due rent. The offices moved to the rented space were those of the Orphan's Court and the Register of Wills,

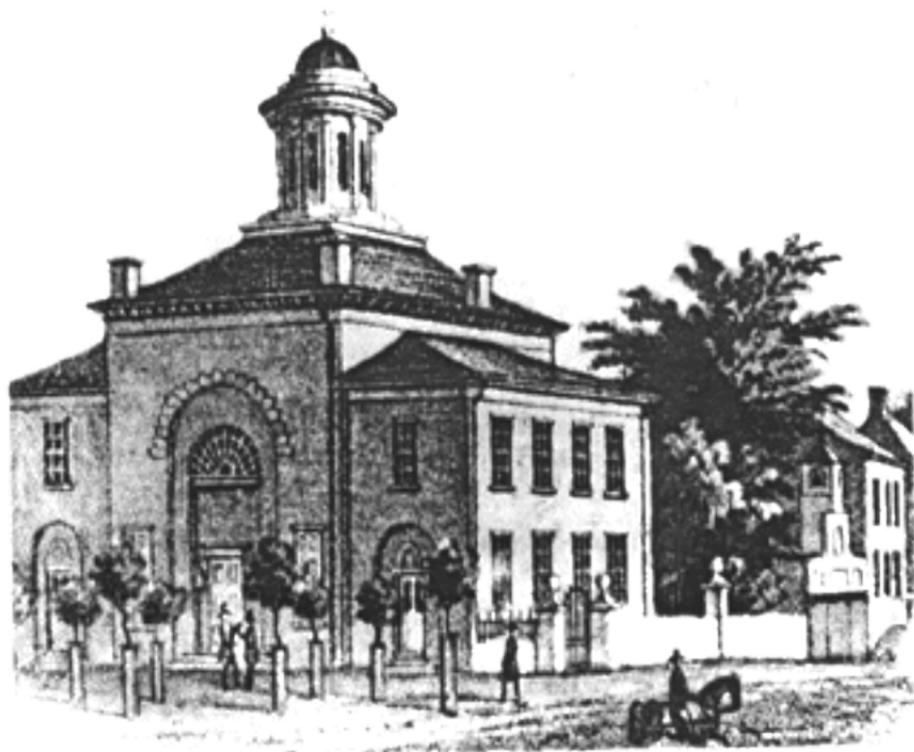
At the end of the 18th and the beginning of the 19th century, Washington County was experiencing population growth. This influx of people necessitated expansion of the facilities housing the courts and county offices. It was soon evident that a new court house would have to be built if the needs of the county were to be met adequately.

Delegates to the First Maryland Constitutional Convention met in Annapolis in 1774-1776. Assuming executive as well as legislative duties, they were pressed to take action to separate the large area which was called Frederick County into several smaller counties. New boundaries were established and the counties of Washington and Montgomery were formed.

On September 6, 1776, the Convention appointed a Commission in Washington County to purchase up to four acres of land for "public buildings" to be located according to the will of the inhabitants of the new county. Funding for the new public buildings, up to "thirteen hundred pounds of common money," was to be provided through annual levies. With this money, the commissioners were authorized to contract for the construction of the new court house and supporting facilities.

An Act passed by the General Assembly on January 15, 1785, granted the Justices of Washington County the authority to levy an additional one thousand pounds to complete the court house and jail. This indicates that new public buildings could not have been completed prior to 1786.

The only pictorial record of the first courthouse known to exist, is a watercolor painted in 1806. The painting indicates that the 18th century structure originally stood in the 'Square', the exact location is unknown. While workmen were digging in the Public Square on Tuesday, January 29, 1974, they found what appeared to be the foundation of the first Hagerstown Courthouse and marketplace.



Benjamin Henry Latrobe
Architect

CHAPTER 2 The Second Court House

"... And as the portal opens — a voice in hallow murmurs through the courts..." Ann Radcliff

At the beginning of the 19th Century, the old courthouse stood in a state of disrepair. An underground spring often left the area around and under the courthouse muddy. The citizenry were also concerned about the safety of the public records that were stored in the old building. The structure was sited in such a way that it impeded the increasing wagon traffic that passed through the village square. In 1815, plans were formulated to provide funds for the erection of a new court house.

"At a regular session of the General Assembly of the state of Maryland, held in Annapolis during the winter of 1815-16, an Act was passed and approved authorizing the inhabitants of Washington County to levy a tax and erect a new court house. This was done in accordance with the wishes of a majority of the tax-paying citizens, who in their petition represented: 'that the existing court house of said county is in a state of ruinous decay, and the public records deposited therein are considerably endangered; that it is too contracted in its plan to accommodate a court and its officers; and that, standing in the Public Square, directly on the intersection of the two principal streets, it greatly injures the appearance of Hagerstown'."

The chief provisions of the act were:

'Sec. 2. Therefore be it enacted by the General Assembly of Maryland, that John Blackford, Samuel Ringgold, William Gabby, John Bowles, and Thomas C. Brant be and are hereby appointed commissioners to select and purchase such lot or lots of ground within the limits of Hagerstown, or the additions to said town, as in their judgement they or a majority of them shall consider the most eligible and proper site for a new court-house for the county aforesaid.'

'Sec. 3. And be it enacted, that the commissioners herein

before named, or a majority of them, be and they are hereby authorized and empowered to contract for and superintend the building of a new court-house, with suitable apartments for the court and juries, clerk's, sheriff's and register's offices, and fire proof places of deposit for the public records, on the site as above by them to be selected and purchased, upon such terms and in such manner as to them shall seem most advantageous to the community.'

'Sec. 4. And be it enacted, That the commissioners herebefore named, or a majority of them, shall have the power to appoint some capable person to superintend and direct the erection of the building aforesaid, and that they be and are hereby empowered to allow such person so employed such compensation as they or a majority of them may deem adequate to his services.'

'Sec. 5. And be it enacted, That the Levy Court of Washington County be and they are hereby authorized and required to assess and levy upon the assessable property of said county, in five successive, equal annual installments, a sum not exceeding thirty thousand dollars, the first installment to be assessed by the said court at the second annual session which after the passage of this act, they shall hold for the purposes of laying the county levy, and to be collected by the sheriff of said county.'

'Sec. 9. And be it enacted, That when the said court-house shall be completed and finished, the said commissioners or a majority of them may pull down the old court-house and sell the materials of the same, the proceeds of which may be applied to discharge any debt contracted for the building of the new court-house, over and beyond the sum hereinbefore mentioned.'

'Sec. 11. And be it enacted, That the public ground on which

the court-house now stands shall be condemned as a public street of Hagerstown, not to be built upon or used but as one of the streets of the said town.'

At the time that he was appointed to serve on the commission to build a new court house, Samuel Ringgold was also serving as a Congressman in Washington, the nation's capital.

It was during his term as a Congressman, that Ringgold met Benjamin Latrobe. Latrobe took over as Surveyor of Public Building in Washington in 1803. Latrobe's design for the President's House had just been completed and the interiors were yet unfinished, when the British burned Washington in 1814. Ringgold was probably impressed by the expertise of the man directing the design and construction taking place in the young nation's capital. Associations with Latrobe in Washington probably influenced General Ringgold in his decision to seek professional advice when he was appointed one of the commissioners responsible for the implementation of the new court house for Washington County.

The fact that Benjamin Latrobe was employed to provide architectural drawings for the Washington County court house is documented in the following letter from Latrobe to Ringgold. The original letter is in the possession of the Maryland Historical Society.

Washington, March 10, 1817

General L. Ringgold
Hagerstown
Dear Sir,

The time allowed me to design the Courthouse has been very short, that with the utmost diligence, and encroaching on the duties of the Sabbath, I can only send you a general design, and have hardly time enough left to add the necessary

explanation.

The Courtroom is 63 ft, by 40 ft.

Each of the Offices 18 feet square vaulted.

The Jury Rooms 18 by 16, the Grand Jury Room 25.8 by 18.0. You were so pleased with the church that I have designed the bulding in the same taste but it will be a much handsomer building. I must defer the bill of scantlings to the next post. The principal timbers will not be more than 12" by 4" , a few of them more than 8 x 8. The principal lumber will be sound yellow pine 14 inches wide and 1 1/4 thick boards 12 ft. long. For the Jury Room there will be required 50 pieces of Scantling 20 feet long 12 by 3. All the rest of scantling may be 6 by 3.

You will observe that for the sake of symmetry I have put the Jury Rooms on the ground floor. They will be perfectly private because they open from the Court room and have two doors towards the Court room both of which may be shut.

If the general plan is adopted I will make any alterations you please, and have to give you a great deal of information which I cannot do now.

With true respect I am
Yours B.H. Latrobe

The character of Latrobe's drawings are indicative of a highly trained and skillful hand.

Thomas Harbaugh, a builder, was hired as the contractor for the new building, at salary of \$1200.00 per year.

Construction of the new Courthouse began in 1818 and continued until its completion in 1822. The actual cost of construction was much greater than was originally anticipated. Thomas Harbaugh gives a figure of \$52,512.00 in his journal, so that it might be assumed that this figure is fairly accurate.

After comparing Latrobe's letter of March 10, 1817, with Thomas Harbaugh's Journal, several significant differences

come to light. Latrobe speaks of the Jury Rooms being on ground floor and further explains that they will be 'perfectly private as they open from the Court Room and have two doors towards the Court Room, both of which may be shut.' According to the builder's records, these rooms were not located in the manner described by Latrobe. The working relationship between the architect and the client was such, that after the client had reviewed the functional aspects of the plan, changes may have been suggested and incorporated into the final plan. It is possible that the commissioners requested Latrobe to alter the floor plan. Or, perhaps they instructed Harbaugh to make the necessary alterations during construction, as Latrobe did not personally supervise construction.

In his detailed accounts of materials and the spaces plastered, Harbaugh refers to the 'Large rooms over the Offices and the Small rooms over the Vaults,' indicating that the Jury Rooms were actually placed on the Second floor over the Register's Office and the Clerk's Office. Harbaugh also mentions 'the fan sash arches over the Office Doors' on Washington Street Fronts. This evidence is sufficient to place the Clerk's Office, the Register's Office, and the two Vaults on the ground floor.

Thomas Harbaugh lists the following spaces in his Journal:

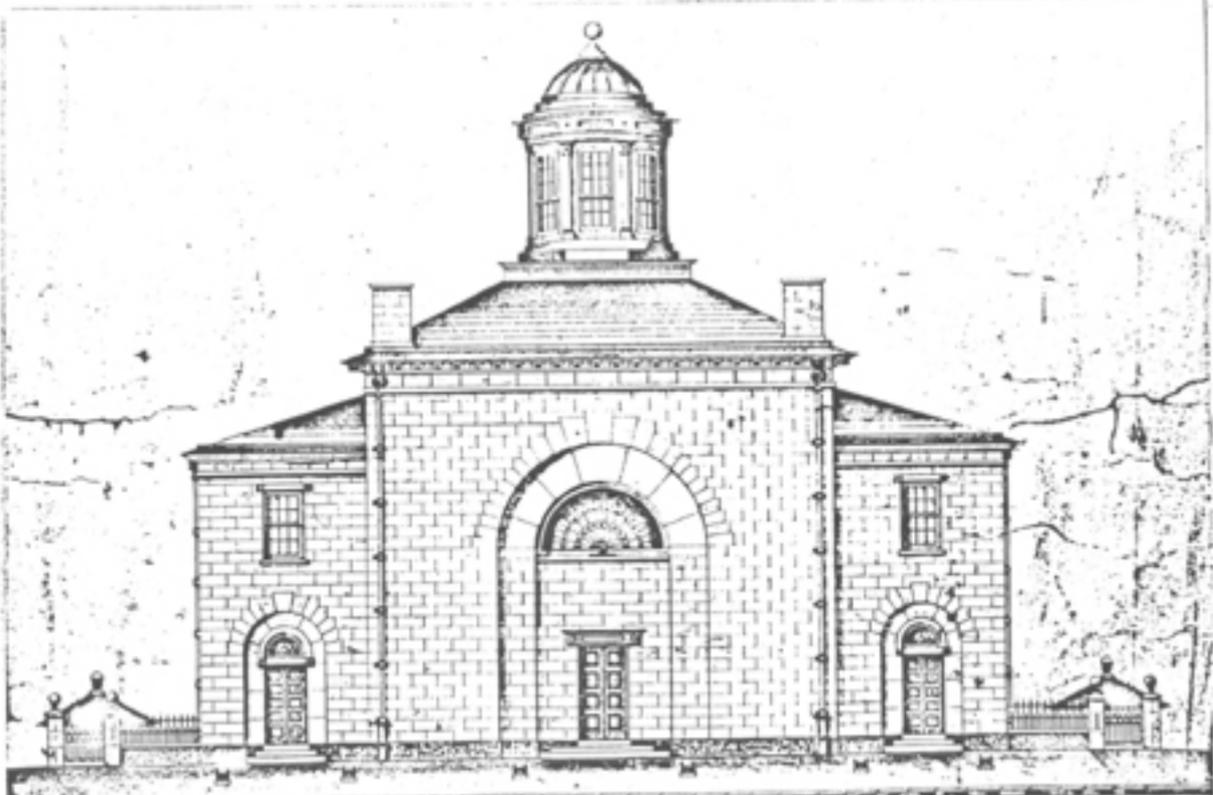
The Court Room	48'-8"x	48'-8"	
The Clerk's Office	22'-0" x	18'-0"	(4) openings 4' x 9'
The Register's Office	22'-0"x	18'-0"	(4) openings 4' x 9'
(2) Fireproof Vaults	18'-0"x	14'-0"	(2) openings 4' x 8'
(2) Passages of Stairs	8'-0" x	18'-0"	(4) openings 4' x 8'
The Large Petit Jury Room	18'-0" x	22'-0"	(4) openings 4' x 8'
The Small Petit Jury Room	14'-0"x	22'-0"	(4) openings 4' x 8'
The Grand Jury Room	18'-0"x	22'-0"	(4) openings 4' x 8'
The Council Room	14'-0"x	18'-0"	(3) openings 4' x 8'

The floor plans shown in the illustrations were reconstructed from the careful accounts kept by Harbaugh in his Journal and the original architectural elevations drawn by Latrobe, of two facades of the building.

Talbot Hamlin's book, Benjamin Henry Latrobe, includes a sketch of the Washington County court house which had been taken from an old map. The front elevation shown in that sketch shows two windows flanking the main doors to the Large Court Room. These two windows do not appear on the original Latrobe watercolor renderings of this same elevation. There is nothing in any of the available information to prove or disprove the fact that the windows were ever constructed in the facade. It is likely that they were added. The Court Room was a sizable space and could have utilized the additional light. Latrobe placed a glass lantern type cupola over the opening at the top of the large dome spanning the Court Room. This architectural device filled the interior space with natural light. The Hagerstown Courthouse interior was treated in much the same manner as the interior of St. John's Church in Washington, D. C. St. John's is the church that Ringgold admired, and the church that Latrobe referred to in his letter to Ringgold.

The architect of the Second Washington County Court House, Benjamin Latrobe, had been trained in England, where the architectural profession was well-established and respected. The professional architect was a radical idea in the provincial milieu of America.

It is remarkable indeed that so great a man would have been chosen to design the Second Court house for Washington County. Unfortunately, probably the finest court house in Maryland at that time has not survived the ravages of time.



NORTH FRONT VIEW OF THE NEW COURT HOUSE IN HAGERSTOWN WASHINGTON COUNTY MARYLAND
DESIGNED BY W. BINGGOLD, H. LEWIS, J. H. WILLIAMS, W. GABBY & W. HEYSKE, COMMISSIONERS OF SAID
COUNTY. COST \$7,000.00. RAISED BY TAX.

The news of the "flames of October 8-9, 1871" in Chicago, a city in northeast Illinois, where an estimated three and one-half square miles laid waste, nearly seventeen-thousand buildings destroyed, over two-hundred persons killed, nearly ninety-eight thousand made homeless, and a loss of over two hundred million dollars was still the topic of conversation by many of the citizens of Hagerstown and Washington County. Less than nine weeks later, at ten o'clock on Wednesday night, December 5, a fire was discovered in the agricultural implement store and warehouse of Messrs. Burbank and Rollins on Antietam Street by the watchman of the Washington County Railroad Depot.

The first alarm was the frantic cry of the watchman. The engineer of a Baltimore and Ohio train that had just pulled into the station quickly sounded the whistle on the locomotive.

Time was of the essence!

A fierce gale from the south was blowing at the time and had been for several days. The business part of Hagerstown was in great danger! The location of the fire, on the extreme southern limits of the heart of the town, was well calculated to sweep the most valuable portion of Hagerstown.

The Independent Junior Fire Company was quick to arrive on the scene. The members immediately pressed into service the equipment and apparatus. Also answering the summons for aid was the Antietam Fire Company.

Aided by willing citizens of the town, measures were taken to arrest the flames that were first seen in the forepart of the

building, and in an instant observed elsewhere. In a few minutes fire burst out of the roof of the frame structure. The high wind continued to blow, engulfing in its wake the adjacent buildings.

The scarcity of water in the vicinity, and the difficulty experienced in getting at the fire until it had burned through the roof, rendered the efforts to save the building futile. The only water supply for the fire engines was from the Oak Spring, Ladle Spring, and several large public cisterns. There was only one steam engine and several small engines which were operated by hand.

Fear was mounting that Hagerstown would witness a similar disaster that destroyed the city of Chicago, tuning homes and buildings to ashes by the conflagration.

But, that was not to be the fate of Hagerstown!

It was only the sudden cessation of the storm at the most critical juncture that saved the greater part of Hagerstown from destruction.

It was surmised at one time that the fire would extend across Washington Street. Many of the householders, fearing this possibility, removed their possessions. But the lull in the gale enabled persons to saturate the roofs with water, thus averting the threatened extension of the fire to this area.

In its wake, as the flames spread from the agricultural implement store and warehouse, they reached St. John's Episcopal Church, which stood to the rear of the Court House on South Jonathan Street, (now Summit Avenue,) and then ignited the Court House itself.

Because of a shingle roof and the impossibility of reaching it in time, the Episcopal Church, not long before partially

destroyed in the same manner, was on this December night wholly destroyed, along with its organ.

From the roof of the church to the roof of the new part of the Court House (the whole of which was covered with shingles,) the sparks were communicated to that building.

During the height of the conflagration, and after the cupola of the Court House was in flames, a number of firemen and citizens, with the pipe of the Junior Company, were in the great hall, second story, fighting desperately to save the fifty year old structure from devastation. Suddenly, the cupola fifty feet from the floor - fell in with aloud crash!

Fireman John Fridinger, one of several men holding the ladder upon which Henry Bester was opening the half-moon window of the dome to enable William Gould - an engineer - to bring the pipe to bear the support of the roof, was crushed under the fallen burning beams and pinned fast. John Smith attempted in vain to rescue Fridinger! As a last effort to save him, Smith "pitched" a bucket of water over him. Then trying to draw him out, found it impossible to do so.

The few Remnants of the charred remains of Fridinger were recovered the next morning. Bester was injured by a fall from the dome to the floor. His recollections, in reconstructing the events of that tragic night, was the words he uttered when the dome fell "God save us!" Smith and Joshua Wise were severely burned in their attempt to save the building.

Among those present in the building at the time of the catastrophe were: William Gould, William Davis, Charles Spangler, William H. Armstrong, E. W. Funk, and Surveyor Downin. The last two men are credited in securing a number or records and valuable papers that otherwise may have been destroyed in the fire. There were other persons, names unknown, in different parts of the building. Colonel Cook, Alexander Armstrong, and several others, escaped by means of ladders from the

window, while W. H. Armstrong and Charles Spangler

escaped by the stairway. Charles Shank, making his escape, fell from the Antietam House and was injured. Robert Grove, from Sharpsburg, was injured by a falling window of the same house.

All efforts to save the Court House were futile!

By the next morning, after the flames had died, it was realized that the building was burned beyond repair. Only the walls stood, a grim reminder of the conflagration, believed to have been started in the implement store and warehouse by an incendiary.

The actual values destroyed by the fire was not large. All the land and other records in the Register of Wills office were in fireproof vaults, and ones in the clerk's office as well. All these records were saved! There was some discoloration, by smoke, but no substantial harm. The records and papers of the County Commissioners office were in an iron safe and therefore were unharmed.

On the Court House there was no insurance! The building, when constructed nearly fifty years before, cost approximately \$70,000.

The Herald and Torch Light Newspaper of December 13, 1871, recorded these words: "As the venerable Temple of Justice was falling a prey to the flames, there were not a few of our older citizens who gazed upon it with saddened eyes, and called from the store-house of memory many pleasant and possibly also some unpleasant associations with it . . ." A special correspondent of the Baltimore American news

paper recorded these words under date of December 8, 1871.

"The vault of the Register's office aided by the well directed use of the Junior Company's steam fire engine, was proof against the flames and falling timbers. The energetic Register, Mr. M. S. Barber, had, however, with his aids removed nearly all of the important papers. The Clerk's office had been also nearly emptied by that officer and his faithful deputies, but the fire reached and scorched some old papers already recorded. The papers and books of the County Commissioners were all saved by the gallant efforts of H. W. Lyday, a Commissioner. These papers were in an upper room, and after great risk Mr. Lyday, Mr. E. W. Funk and others succeeded in carrying them off.

I have not been advised whether the papers of the School Commissioners, also in rooms up-stairs, were saved. Sheriff Bamford retreated in good order, without the loss of a docket or process.

The Commissioners' safe fell through the floor, and the fate of its contents, which are probably unimportant, has not thus far been ascertained. Mr. Lyday unfortunately had not been able to get the key to rifle it before the burning, and now the lock stubbornly refuses to act, whilst no one has been found who is able to pick it."

Perhaps the correspondent was a little too optimistic. Many records, including the valuable first twenty years of the Judgment records, are gone and must have perished in the fire.

Further in the newspaper account the reporter wrote:
. . . It has passed away, as its builders, its early Bench and Bar, its Jurors and Officers, and all other persons and things must do from this perishable world."

A building can be replaced! A human life can never be!

An editorial by Edwin Bell of The Mail Newspaper, under date of December 15, 1877, was titled "The Memory of John Fridinger. It read, in part:

"Among the heroic men whose memory and name will (as it ought to) be forever cherished in our little community is that of John Fridinger

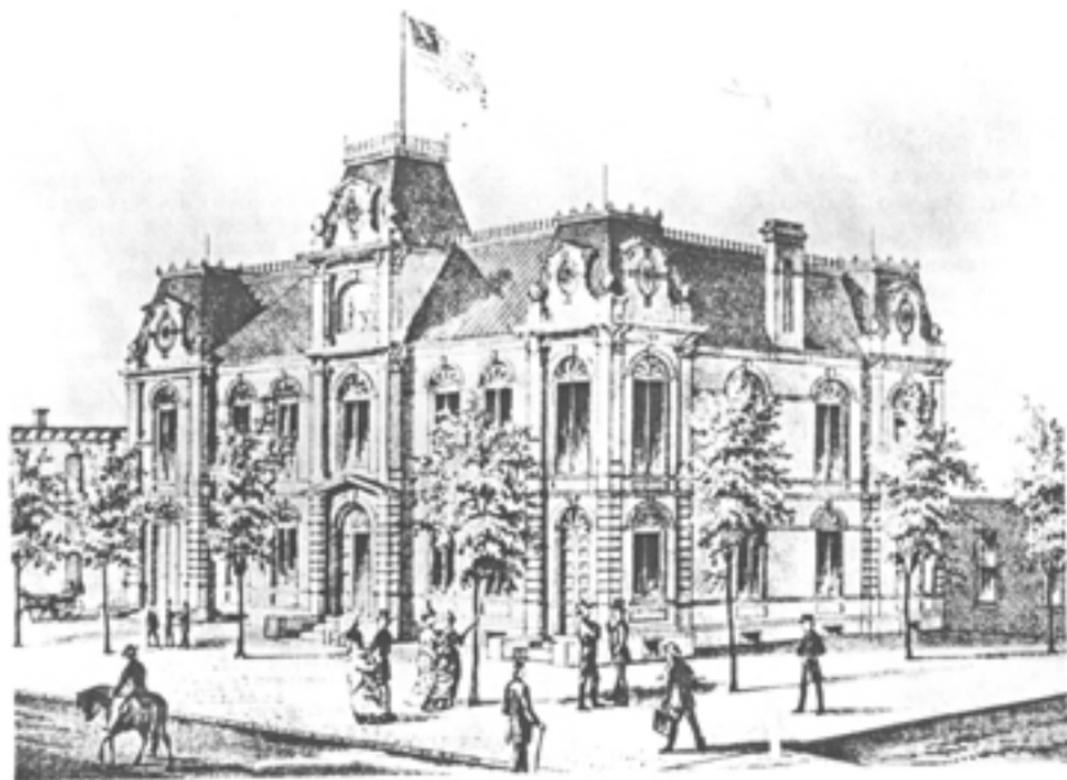
The following resolution adopted by the Independent Fire Company, of which he was a faithful member, and in connection with which he gave his life, was prepared by Z. S. Claggett

"Resolved, That in the heroic death of our brother-John Fridinger incurred for the salvation of the property of others, under the inspiration of the noblest impulses which fill the human breast, the descendants of John Fridinger may boast an escutcheon more glorious than that of Emperors and Kings..."

The concluding words read:

"For we have all of us an human heart. It is the divine revelation which is summed up in the words: 'Greater love hath no man than this...'"

No finer tribute of respect could be paid the memory of John Fridinger who paid the supreme sacrifice in the flames of December that destroyed the second Court House in Hagerstown.



R. Thornburg, Contractor

CHAPTER 4 Rebuilding "... All the plans for the rebuilding ..." Walter Lippmann

Several days after the "flames of December" which left only the walls of the Court House standing, people were commenting and speculating as to what action would be taken regarding rebuilding another seat of government.

Under date of December 15, 1871, in The Mail, the newspaper which brought the news to the people, Edwin Bell, editor, titled his editorial that day, "Our New Court House."

His concern was for the taxpayers whom he felt should have a voice in making decisions. Bell also was certain the "free press" was the place to "begin action!" He strongly stressed this point in these words of the editorial:

"We take this occasion to invite (and for the purpose open our columns) to all proper discussion of the question . . ."

The editor, in his opinion, and being a newspaperman whose aim is to keep the public abreast of current happenings and problems of the hour stated:

". . . We do this upon the hypothesis that those who pay for the building should have the direction of its construction . . .'

Whether he was laying a foundation or not, editor Bell indeed was being "forceful" on paper for his reading public. This is evident in these words of the editorial:

"Direction can only be given by publicity -and publicity can only be had, effectually, through the public press. Hence the columns of the MAIL are open for discussion . . ."

Caution was also his concern, and no "playing politics!"

This theme runs through the following paragraph:

"Whether the old walls, as they now stand, shall, or shall not be used, the fact is apparent that much valuable material now upon the ground; and this must be taken into any contract. Furthermore we assume that any contract which may be made, will be made after the tax-payers and people have been consulted, and that such contract (with the popular approval) will be awarded - not to any favorite - but to the man who will do the work upon the most reasonable terms and in the best manner."

A time element to take into consideration and further discussion was also his concern for the people of Hagerstown and Washington County as Bell wrote:

"Of course nothing can be done without an Act of the Legislature, and fortunately for us the Legislature, which meets only once in two years will be convened within a couple of weeks. The Act by which the people of the County are to taxed to rebuilt can therefore be thoroughly natured and ought to be discussed."

He was also concerned for and in several features and conditions-as to the capability of the builder chosen when he penned these words:

"Of course Commissioners will be named in it, and upon that commission we hope to see placed men who possess the necessarily scientific and mechanical knowledge - not such men as have not even a rudimentary idea of building. Had proper knowledge been applied to the construction of the Episcopal Church or the addition to the Court House, the dreadful calamity which has fallen upon us would never have occurred - the burning brands, had they falled upon a slate or tin roof, would, instead of inspiring terror in every breast have

been looked upon as innocuous, and have died out of their own accord."

The past could wisely be taken also into consideration by these words:

"What is now required is a Court House, constructed in conformity with no other idea than that of service. We want no ostentation or ornamentation; and we want no 'penny wise and pound foolish' tactics. If we can use any of the walls as they stand, let us do so, and if not, let us discard them. It was to save a few hundreds of dollars that hundreds of thousands were lost; and now, profiting by experience, let us have a fireproof Court House - and particularly fireproof as to the vaults. The spectacle of the Clerk's office vault (favorable as it is) is still appalling. And what will compensate the loss of the records by which the property of landholders and tax-payers is held?"

Powerfully, indeed, to the reader, *was* his concluding paragraph that summarized "points along the way" in his "Our Next Court House" editorial:

"We have no suggestion to make, save this: Let us have no more patchwork and experimenting with the reconstruction, alteration, and re-building of a Court House. Let the Constructors see what structure has answered, after proper trial, and let them (after letting the people know what they are about, and after receiving the sanction of tax-payers) put up a thoroughly fireproof building by contract with the lowest and best bidder. This will satisfy every body."

In the meantime, *the* County Commissioners took steps immediately *to* find quarters for the courts and the other agencies of county government. They could not *seek the* advice or permission of the General Assembly as that body was not in session. As a measure, *to* conduct sessions, accommodations

for the Court House *were found* in the basement room of the Methodist Church on North Jonathan *Street*, which was rented by

the County Commissioners. The church was only a short distance from the Court House. The rental was \$400 per year, payment of which was authorized by Charter 392, Acts of 1872, Proceedings of the Conventions of the Province of Maryland held at the city of Annapolis.

At the next session of the General Assembly, the County Commissioners voiced concern for a new Court House. The minutes stated:

". . . Let the records show assembly approached regarding a proposal for a Court House in Hagerstown, state of Maryland. No action taken at this meeting, pending investigation. Discussion will follow at next assembly session."

The trial of Joseph Davis for murder was removed from Carroll County to Washington County. The "temporary" quarters in the Sunday School room of the Methodist Church was inadequate. The trial attracted more persons than could be accommodated in the basement of the church. The "Junior Hall," a large apartment in the building of the Junior Fire Comapny, located on North Potomac Street, was rented for the Court.

Several months later, at the next session of the General As-

sembly, the County Commissioners were authorized to issue bonds in the amount of \$75,000 for a new building. The stipulation, as pertaining to the matter at hand, read:

". . . On or before July or August first, eighteen hundred and *seventy-three*, a new Court House authorized to be built on the site of the burnt-out structure . . .

Many residents of the city and county were in favor of using

the old walls, which were exceedingly massive and strong. But a meeting of the Bar was called, and resolutions were adopted favoring building upon a plan different from the former structure devastated by the disastrous fire.

A contract was signed with Robert C. Thornburg, a builder, to dismantle the old walls. Work began in May, 1872. While the walls of the old Court House were being razed to erect the new building on the old site, a rear wall fell upon three workmen - Wesley Finnegan, Alexander Smith, and Frederick Fridinger, crushing them to death. By a strange chance of fate, one of the killed, Fridinger, a youth of seventeen, was a son of John Fridinger, who lost his life in the fire the previous December.

The selection of plans for the new Court House was entrusted to a committee of the Bar, composed of George W. Smith, Jr.; John C. Zeller, Albert Small; George Schly; Andrew K. Syester; Francis M. Darby, and Kyd Douglas. Designs submitted by Henry A. Sims and James P. Sims, Architects of Philadelphia, were chosen. Work was begun on the 20th day of August, 1872 -John Overmyer, Superintendent in charge.

On Wednesday, October 9, the cornerstone of the new building was laid. The ceremony of laying the cornerstone was in charge of Friendship Lodge No. 84 of Masons, of Hagerstown. The following invitation was sent by the Masons to other Mason Lodges in the area:

MASONIC HALL

Hagerstown, Md.

September 30th, 1872.

Bro

You are hereby notified that the Corner-Stone of the new

Court House in course of erection here will be laid with

appropriate ceremonies, by Friendship Lodge No. 84, A. F. & A. M., on Wednesday, October 9th, at 2 o'clock P.M.

Your attendance on the occasion is earnestly and fraternally requested.

By Order,

John Cook,
Secretary

Indeed, this was a memorable occasion! It marked a day of triumph for the Friendship Lodge.

The Mail newspaper account of the proceedings published at the time stated:

"At 1 o'clock, P.M., the Masonic Fraternity assembled at their Hall, corner of Franklin and Potomac Streets. The Lodge was opened by Worshipful Master, Edward Stake, who then handed the emblem of his office to P.M. Thos. A. Boullt, and requested him to conduct the services on the occasion. The procession was formed under the direction of the Chief Marshal, P.M. Andrew K. Syester and his Aids P.M. Wm. McK. Keppler, F. D. Herbert and Richard Sheckles.

The above proceedings were within the time element of one hour. The newspaper account continued:

"At 2 o'clock, P.M., the procession moved from the Hall, headed by the old Hagerstown Silver Cornet Band, and marched directly to the site of the new Court House, when the Lodge was again in form by P.M. Thos. A. Boullt, assisted by P.M. William Steffey, D. M., Dr. Augustus A. Biggs, S. W. Andrew K. Stake, J.W.

The business at hand was thus described:

"After the Lodge was opened the W. Master informed the

brethren and all assembled, that the Friendship Lodge No. 84 had assembled for the purpose of laying the Foundation Stone of the New Court House, and through his officers directed that 'all having due notice thereof should govern themselves accordingly.' After music by the Band, and Prayer by the Chaplain, Rev. A. G. Harley, the W. Master requested the Treasurer, H. A. McComas, to read the inscription on the stone and a list of the contents of the box to be deposited therein. This part of the ceremony was performed in a clear and distinct voice. The contents are as follows: A.L. 1572; names of County Commissioners of Wash. Co., Attorney for County Commissioners and Clerk of same; Contractor of Building; Architect of Building; Superintendent of Building; members of Masonic Lodges and By-Laws of same in Washington Co.; Proceedings of G. Lodge of Md.; Governor and officers of the State of Maryland; Judges of the Circuit Court for Wash. Co.; Clerk of the Court; Register of Wills; Sheriff and all other County Officers; names of all the members practicing at the Bar of Hagerstown, and their rate table; Municipal Officers of Hagerstown, Newspapers of Wash. Co., Coins and Currencies of this date."

The final ceremony of the day as recorded stated:

"The W. Master and his officers then descended from the platform to the Corner Stone, after spreading the Cement the Stone was lowered to its place, and then the ancient ceremony of trying it with the square, level and plumb. Corn, Wine and Oil were strewed upon it, emblematic of the Corn of nourishment, Wine of refreshment and Oil of joy. After music by the Band, the benediction was pronounced, and the Procession returned to the Hall."

The Friendship Lodge and other Lodges in the area were well represented as the concluding paragraph read:

"The procession was large and highly respectable, numbering

about one hundred and fifty Masons, members of the following Lodges: -Friendship, No. 84, Hagerstown; Eureka, No. 105,

Sharpsburg; Mediary, No. 140, Williamsport ; Acacle, No. 155, Mechanicstown, Frederick County; Warren, No. 51, Baltimore; Door to Virtue, No. 46, Westminster; Columbia, No. 58, Frederick City; Plymouth, No. 143, Union Bridge. There were also Masons in the procession representing Lodges from Ohio, Pennsylvania, Indiana, and West Virginia."

The Door to Virtue, No. 46, Westminster, recorded the following in their minutes of the month:

". . . On October 3, 1872, the Lodge received and accepted an invitation from Friendship Lodge, No. 84, Hagerstown, to participate in the laying of the corner stone of a new Court House in that city." The following month, the minutes, as recorded, stated:

". . . The ride across the mountains to attend the cornerstone laying of the new Court House on October 9 last, will long be remembered by those of our Brethren who took part in that ceremonial. This is due to the beautiful autumnal weather."

The minutes also revealed the fact that on occasion seriousness gave way to levity. The members of the Lodge indulged in "fun and jollity." This, better than anything else, showed the fellowship existing among the Brethren of the Lodge.

After the cornerstone laying, R. C. Thornburg and company resumed work on the new edifice. On December 6, the metal box containing memorabilia of interest was placed in the cornerstone. Edward Stake and Albert Small, members of the Bar, prepared the following memorandum which was found in the contents of the box when it was opened on February 28, 1974:

"This box was finally deposited, with its contents in its place

on the anniversary of the burning of the old building - i.e. on the 6th day of December 1872 . . . The day cool clear and bracing. Work progressing nicely on Court House. The rear up to level of 2nd floor and first being placed into position, West side nearly to the level of second floor. Court in session in the basement of the Methodist Church, Judge Pearre presiding in the trial of Defud V. Painter's Insurance Co. for Peffs. A. K. Syester Atty. Gen., Thos. Donaldson of Balto This writing made at Small's office diag. opp. Court House. Stake's office West of Jonathan St. in 3rd House from Corner."

Before the end of the year, the County Commissioners accepted the building, and held their first meeting on the second of January, 1874.

The following description of the building was published in the Hagerstown newspapers in January, 1874:

"The main front building is 91 feet, 6 inches x 56 feet 9 inches the rear building is 62 feet 6 inches x 59 feet 6 inches, with a 15 feet story both front and rear; front building has a corridor in the centre which runs back to its rear wall; the rear building has also one 10 feet wide. On the right is the Register's office, 34x26 feet 6 inches, the record rooms being a double vaulted arch, with iron frame and shutter on the inside of windows, 5 feet wide and 10 feet high with semicircular head. The Clerk's office is on the left of the corridor, and is of the same dimensions and finish as the Register's office - The first space occupied in the rear of those rooms on the right and left, are the massive public and private stairways leading to the second floor, which are built of solid oak; the first room on the left is the Sheriff's office, 12x20 feet; the 2nd is the Collector's office, 12x20 feet, and the third is the School Commissioners' room, 26x20 feet. On the right is the County Commissioners' room, 38x20 feet, which completes the space of the lower floor."

The above described the lower level. The newspaper account continued thus: "Ascending the stairway, we enter a corridor 10 feet wide, on the right of which is the Grand Jury room 24x20 feet, and Petit Jury room 14'2x20 feet, and on the left is the State's Attorney's room, 12x20 feet; a room set apart for the use of the School Commissioners, but not occupied by them, and another Petit Jury Room. The Court room is entered from the head of the public and private stairways and corridor, and is 75x50 feet, with a 20 feet ceiling, very handsomely finished is stucco. The Hall is lighted by eleven circular head windows, 6 feet wide and 15 feet high, with the best double thick glass, and is finished with paneling and wainscoting. - The bar rail is solid walnut and oak finely finished in oil, and the Judges' stand and Clerk's desk are also handsomely finished. In the rear of the Judges stand are the witness and council rooms, each 12x24 feet."

The reader was then given the description of the basement in this manner:

"There is a cellar under the entire building, eight feet in height and it is surmounted by a substantial and beautiful Mansard roof, ornamented with pavillions; covered with best Buckingham slate. The building is estimated to contain from 800,000 to 1,000,000 of brick, and an immense amount of timber, but of the latter no approximate estimate can be formed. The Court Hall and corridors are heated by three of the fine furnaces of Messrs. Bellman, Armstrong & Co., of this town."

Credit lines were in the last paragraph

"The Architects were H.A. & J.P. Sims, 1426 Walnut Street, Philadelphia; Contractor and Builder, R. C. Thronburg; Superintendent of Mason work, John Overmyer; Painter and Glazier,

George Llas; Slaters, Beck and Bowers; Tinning and Plumbing, Garlinger & Co.; Plasterer, John Lushbaugh; the galvanized iron was furnished by Messr. William P. Gephart & Co., of Dayton Ohio, but now of Washington, D. C., and the Gas fixtures were furnished by Messrs. Baker & Arnold, Philadelphia."

The first term of the Circuit Court to be held in the spacious chamber of the new Court House was in April. The judges on the bench were Richard H. Alvey, chief; William Mutter and George H. Pearre, associates. The Clerk of the Court was George B. Oswald; the Register of Wills, Thomas E. Hilliard.

The new structure was well adapted to its uses, the vaults for the records being spacious and fireproof.

The building was considered beautiful in its day. In the architecture there was perhaps an attempt at ornamentation with the mid-Victorian gingerbread appearance.

The County Commissioners who had charge of the erection of the structure were the boards elected in 1871 and 1873. The 1871 board members were: Henry W. Lyday, Samuel Strite, Theodore Embrey, John H. Harp, and Henry F. Neikirk - all Republicans but the latter. The 1873 board members were George W. Brown, John Fessler, Henry Funk, Joseph Seibert, and Elias Young - all Democrats. The 1873 board closed the work and accepted the building from Robert C. Thornburg, the contractor.

Sixty years later, needs for a new Court House or addition were discussed. In the 1930's, federal funds were available to communities for public works through the Works Progress Administration (WPA) and Public Works Administration (PWA) - depression-born agencies that died with the advent of World War II.

A two-story addition was constructed in the rear of the Court

House in 1933-34. The architect was A. J. Klinhart. The work was supervised by Hubert A. Mullen. The cost of the addition was \$20,000.

Rumors regarding the possibility of building another Court House were recorded in the Herald-Mail Anniversary Issue dated Monday, September 14, 1953.

A bold headline in that issue read: NEW COURT HOUSE ON A NEW SITE BEING DISCUSSED

The article began: "Court House circles are buzzing again with talk of a new Court House building. The talk is being prompted largely by the fact the county is expecting to receive well over \$100,000 for its stock in the Williamsport bridge company when the state takes over . . ."

The reader could draw his own conclusion by these words from the story:

". . . However, those who like to dream about a fine new building say that the county could realize a most substantial sum should it sell the present Court House and the Shirley building and then acquire a much less expensive site. . . "

The basis and possibility of rebuilding in an area other than downtown can be surmised in these words from the reporter's copy:". . .A site away from the downtown business would not be too impractical, according to officers, who have been making a study of Court House sites. They say in many progressive counties new Court Houses are away from the business entirely . . ."

In Section D, Page 16, Column 5 of the same issue appeared a picture of the cupola of the Court House with the caption: OUR HALL OF JUSTICE

The explanation read thus:

"Pictured above is the cupola of the Washington County Court House showing the Seal of the Great State of Maryland in the inset. The seal is a remarkable piece of fine workmanship and often wins high praise from passing tourists. The Court House is now well over 75 years old but is exceptionally well constructed. In recent years there has been agitation from time to time for a new and much larger building."

However, nothing materialized in regards to a new Court House.

The County Commissioners in 1961 were authorized by the Legislation for a Court House bond issue of \$1 million dollars. This was increased to \$1.2 million at the 1962 session.

Shortly thereafter, construction began for the annex to house the new agencies.

The architectural lines of the annex stand in strong contrast to the ornamentation and Victorian detail of the old building.

In the merger of the old Court House, constructed in 1872, with the new annex, nearly a century later; continuity of place has been unchanged for two centuries, as the court of justice and seat of government to the people of Hagerstown and Washington County.

What happens in the coming years might well rely upon the admonishment of the motto - written in Latin - that adorns the coat of arms affixed to the cupola atop the Court House:

CRESITE ET MULTIPICAMNI

Meaning, literally translated: INCREASE AND MULTIPLY.