

COURT SQUARE, FREDERICK

By CHARLES MCC. MATHIAS, JR.

COLONIAL civilization, with its British traditions and its American vigor, had expanded above the tidewater to the foot of the green walls of Maryland when, on June 10, 1748, Governor Samuel Ogle signed an Act of Assembly dividing Prince George's County and erecting a new county by the name of Frederick.¹ The Act also named a Commission to purchase land upon which to build a court house and prison, but the choice of a site for the county seat was not made without considerable thought and even controversy.²

It was not until two years later that land was actually purchased for a court house in Frederick County. On May 10, 1750, Daniel Dulany of Annapolis conveyed an estimated three acres of land to the Commissioners appointed by the Act of the Assembly to purchase the land for building a court house in Frederick County.³ The price for the site was £18 current money of Maryland, paid by George Gordon, Sheriff of Frederick County, out of money levied on the taxable inhabitants of the County. It is interesting to note the restriction placed by Daniel Dulany in his deed which specified that the grant was "To the use of the inhabitants of the said County to build a Court House and prison thereon and to no other use, intent or purpose whatsoever."

The first Court House was begun in 1750 and its exterior was completed in the same year. Due to the demands of the military during the French and Indian War, the interior was not completed until 1756. There is a legend that General Braddock at one time delayed the progress of the work by calling upon the workmen to assist him in preparing his campaign against Fort Duquesne.

This first Court House was a wooden structure of one story

¹ Edward S. Delaplaine, *The Origin of Frederick County, Maryland* (Washington, 1949), pp. 17-20.

² *Archives of Maryland*, XLVI, 91, 143-144, 266, 299, 342, 510, 546.

³ Land Records, Frederick County Court House (Liber B, Folio 267).

and a half. From all accounts, it apparently had a curious gallery that was reached by winding steps. For some reason, not now apparent, it seems to have had two jury boxes. It was in this building that the Judges of the Frederick County Court took action, on November 22, 1765, to repudiate the effect of the Stamp Act, and ordered the Clerk of the Court of Frederick County to continue to conduct the public business in spite of the absence of the stamps required by the British law. On the eve of the Revolution a group of Fredericktonians led by John Hanson, subsequently President of the Congress under the Articles of Confederation, met in the Court House and adopted resolutions on behalf of the beleaguered people of Boston.⁴ A few years later, this old Court House was the scene of one of the most famous trials ever held in Maryland. On July 25, 1781, seven Tories were sentenced by Judge Alexander Contee Hanson to be carried to the gaol of Fredericktown, and be hanged and

cut down to the earth alive, and your entrails shall be taken out and burnt while you are yet alive, and your heads shall be cut off, your body shall be divided into four parts and your heads and quarters shall be placed where his excellency the Governor shall appoint. So Lord have mercy upon your poor souls.

Four of the doomed men were pardoned but Casper Fritchie, Yost Plecker, and Peter Sueman were executed in the Court House yard.⁵ It is only fair to add that public opinion throughout Maryland immediately reacted against this revival of a barbaric form of punishment.⁶

In 1785 a new Court House was authorized by the General Assembly. Frederick's little known but highly talented architect, Andrew McCleery, was employed to supervise its construction. It is reported that he chose as his model the Court of Assizes in Dublin, Ireland. This building was apparently quickly pushed to completion and, from surviving pictures of it, it must have been a very handsome structure. An old Frederick newspaper, *The Key*, in a sketch of Frederick County published on February 17, 1798, describes the Court House as "much admired." Nellie Carter Garrott, in a paper prepared for the Historical Society of

⁴ Matthew Page Andrews, *History of Maryland* (New York, 1929), p. 295.

⁵ T. J. C. Williams, *History of Frederick County* (Hagerstown, 1910), I, 96-97.

⁶ Matthew Page Andrews, *Tercentenary History of Maryland* (Chicago, 1925), I, 655.

Frederick County in 1907,⁷ pictured the second Court House as follows:

Its main entrance, a pretty colonial portico, faced the south. The east wing was the sheriff's office. The west wing was the side entrance to the Clerk's and Register's Office. The Court House ran north and south. The Judge's seat was at the northern end and the southern end was filled with benches for the people who came to Court. There was a rise of about two feet, where sat the Judge. To his right or west side was the jury, left or east side lawyers and some feet in front was the prisoner's box. A straight aisle came down the center of the room. In winter the court room was heated by two ten plate stoves, each large enough to have placed in it a half cord stick of wood. The second story above the sheriff's office the National Guards had as an armory. This company had been formed by General Edward Shriver for the Mexican War and upon their return took quarters in the Court House. The National Guards, however, went to pieces long before the Civil War. This room was used always as an armory, for the State Guards, and in it were stored the State guns and flags. The Home Guards were organized during the Civil War to protect the town. They kept also their arms in this part of the Court House. The window facing the south in the Sheriff's office was used as the poll for voting. The only one in the town. Adjoining the Court House on the west was the Register and Clerk office. It was a small two story house, slanting roof, door in center, with two windows on either side.

It was in this Court House of 1785 that many of the most distinguished members of the Frederick County Bar practiced their profession. Among them were Thomas Johnson, Governor of Maryland and Justice of the Supreme Court of the United States,⁸ Judge Richard Potts, member of the Continental Congress and United States Senator,⁹ Francis Scott Key, author of the National Anthem, and Roger Brooke Taney, Chief Justice of the United States.¹⁰

The site chosen for the Court House in 18th century Fredericktown would be known, in 20th century parlance, as suburban. The concept of a "square" had not materialized in 1791, when a French visitor described the Court House in his journal:¹¹

⁷ Archives of Historical Society of Frederick County.

⁸ Governor (1777-1779), succeeded John Rutledge on U. S. Supreme Court in 1791 and served until 1793.

⁹ Served in Continental Congress (1781-1782); Chief Judge, Fifth Judicial Circuit (1791-1793); succeeded to Charles Carroll of Carrollton's seat in the U. S. Senate in 1793, resigned 1796.

¹⁰ U. S. Attorney General (1831-1833); Chief Justice of the Supreme Court (1836-1864).

¹¹ Ferdinand-M. Bayard, *Travels of a Frenchman in Maryland and Virginia, 1791*, Translated and Edited by Ben C. McCary (Ann Arbor, 1950), p. 16.

The only public building worthy of notice is the town hall.¹² It stands on a little sod covered hill where the children go to engage in the diversions of their age. This building is square. It has a small cupola and a peristyle supported by columns of Tuscan order.

After some years a movement was started to enclose the Court House grounds with iron railings and ornamental iron gates after the fashion of a London square. It has been reported that the County authorities were staggered by the expense of this project, and so the railings were erected by Col. John McPherson at his own expense.¹³ This handsome iron work was of the same type as that which now encloses the Ross (McPherson) and Mathias (Brien) houses, and the imposing wrought iron gates were of the same character as the renowned wrought iron gateways that have made Charleston, South Carolina, so famous. The Frederick newspaper of that period, *The Reservoir and Public Reflector*, is quoted¹⁴ as reporting that the completion of the iron fence was marked by a public celebration which happily coincided with the July 4th festivities in 1823.

Forty years passed with little reported change in the appearance of the Court House and its grounds. It was during the period of discord and restlessness which marked the descent of the nation into Civil War that the next major change in the Court House took place. On May 8, 1861, the second Court House burned to the ground. Numerous accounts note that as the flames destroyed the building and the roof began to weaken, the bell in the cupola tolled its own death knell.

After this tragic fire, the present or third Court House was erected. It is far larger than the previous buildings and replaces not only the old Court House but also the separate Clerk's office which stood on Church Street. In its day this building was considered one of the finest examples of up-to-date construction. Parts of it were designed to be fireproof, a novel idea in 1862.

The tide of the Civil War swirled around the new Court House but left it with no visible scars. The next change that came to the Court House yard was toward the latter part of the 19th century by which time the handsome iron work that surrounded

¹² An obvious misnomer.

¹³ Notes of Miss Emma R. Gittinger on history of Frederick County Court House in Archives of Historical Society of Frederick County.

¹⁴ Nellie Carter Garrott paper, *supra*.

the Court House grounds was out of fashion. A popular movement arose to "Take down the railings." Public entertainments were organized to raise funds for the work, and when, shortly before the turn of the century, enough money had been accumulated, the fence was taken down.

Since that time there has been little major change in the Court House or its immediate surroundings. A fountain and several monuments have been erected in the Square, and the general scene has been little changed for the last half century.

In the same Act of Assembly which authorized the building of the Court House, the construction of a jail was also sanctioned. The first jail was built on what is now Council Street on the present site of the Ross (McPherson) and Mathias (Brien) houses. Apparently the original structure was not altogether satisfactory. Petitions for its improvement were presented to the legislature in Annapolis. The Assembly proceedings of December 4, 1766, record that on that date it was represented that

The public prison in Frederick County is at present very insecure and that frequent escapes happen which might be prevented by building a stone wall quite round the said prison and a house at the gate thereof, for the gaoler to live in, and that such yard would contribute much to the health of the prisoners.¹⁵

This representation was received with favor by the legislature and a stone wall was built. Even this improvement did not provide lasting satisfaction, and on January 26, 1815, the legislature authorized the Levy Court of Frederick County to sell the lots on which the old jail stood and to build a new jail on another site.¹⁶ Consequently in 1817 the Justices of the Levy Court conveyed the eastern part of the old jail site to John Brien¹⁷ and the western portion to Colonel John McPherson,¹⁸ Brien's partner and father-in-law. Colonel McPherson and Brien collaborated in the erection of their homes which were designed as counter-parts of each other. The main section of each house adjoined, while each end of the sizable mass thus formed was flanked by a smaller wing.

Both houses are set back from the street with small yards

¹⁵ *Archives of Maryland*, LXI, 243.

¹⁶ *Laws of Maryland*, 1814, Chapter LXXXVIII, *An Act for the Erection of a new Gaol in Frederick County, etc.*

¹⁷ Land Records, Frederick County Court House (Liber JS4, Folio 525).

¹⁸ Land Records, Frederick County Court House (Liber JS4, Folio 523).

separating them from the pavement. These yards are enclosed by iron railings which are pierced by gateways flanked by massive piers upon which swing graceful wrought-iron gates. The gates of both houses lead to high marble steps, guarded by slender iron balustrades. The entrances culminate in identical doorways which are surmounted by elliptical arches. Small fluted columns frame the doors, and the halls within are lighted by leaded fanlights and side lights.

The fenestration of these houses is simple, but dignified, with two windows on either side of each entrance and with unbroken rows of five windows on the second and third floors. In keeping with the Palladian tradition the windows are graduated in size with small apertures in the high "English" basement, large windows on the first floor and successively smaller ones on each of the upper floors.

Both of these houses were provided with a very elaborate series of outbuildings or in the contemporary phrase, "offices": stables, carriage houses, smoke houses, and slave quarters. These auxiliary structures were so complete as to render the establishments virtually self-sufficient, just as though they were located on some remote country estate. The outbuildings of the McPherson (now the Ross) house have survived intact and display an almost unique example of Maryland domestic architecture. The square icehouse with its diminutive cupola, the low slave quarters and the rambling stables, all set in a garden surrounded by brick walls still convey an impression of the security and independence of life in the days when Maryland was being transformed from a colony into a State.

Mr. Brien and Colonel McPherson were prominent men in the County, and their new homes were the scene of much elaborate hospitality. The ballroom on the third floor of the Brien house was the setting in 1824 for a reception tendered to General LaFayette in the course of his triumphal tour of that year. A meeting of Columbia Lodge, No. 58, A. F. and A. M. was held in Colonel McPherson's "West parlor" to welcome LaFayette as a brother Mason during the same visit.¹⁹

To the west of the McPherson (Ross) house on Council Street lies that lot of land laid off by C. Beatty, County Surveyor,

¹⁹ Inscription on Masonic apron worn by Lafayette now in possession of Columbia Lodge No. 58, A.F. and A.M.

by order of the Frederick County Court for the Visitors of Frederick County Public School. This land was appropriated to the school under the provisions of the Act of the General Assembly of the Province of Maryland passed at the Session of 1769.²⁰ The building which many generations of Fredericktonians knew as the Frederick Academy was erected in 1796 and was originally a two-story structure. The Academy yard served as playground and meeting place for the community. The old school building was distinguished for its balanced proportions. The central doorway, several steps above the street level, was flanked on either side by three large windows. The length of the façade was relieved by a middle projection of about a foot, which probably had a pediment at the roof level. Subsequently, a two story wing containing living quarters for the principal was added to the east. The still later addition of a third story reduced the existence of a pediment to the realm of speculation. It also somewhat spoiled the proportions of the building but failed to destroy its charm. The interior was noteworthy for a double stairway which was united on the landing before rising to the second floor.

After over a century of service the Academy ceased its operations as a private boys school, but its building continued to serve many useful public functions. In 1935 the building and its grounds were conveyed by the President and Visitors of Frederick College to the Trustees appointed by the will of Margaret C. Artz, who were to found and maintain the Artz Library. Work was begun to restore the old building to its original appearance, but before much progress had been made, plans were changed and the venerable building was razed and replaced by the present library building.

A plat made in 1815²¹ designates all that land lying west of Record Street as the property of the heirs of William Ritchie. At that date it contained a house, for the deed conveying the property to Dr. William Tyler describes the property as being William Ritchie's residence. Dr. Tyler, in about 1815 or shortly thereafter, built the handsome double houses that stand at the head of Council Street. As far as can be ascertained, the general outline of these houses when they were built was the same as it is today. The outward appearance of the houses, once Georgian,

²⁰ *Archives of Maryland*, LXII, 153-154.

²¹ Land Records, Frederick County Court House (Liber JS5, Folio 156).

has changed very greatly. This change was occasioned by almost complete reconstruction after a disastrous fire in 1842. That fire is described in an unpublished manuscript by Catherine Sue (Thomas) Markell,²² as follows:

On the afternoon of March 31, 1842, these buildings [Dr. Tyler's] were destroyed by fire. A furious gale prevailed at the time and pieces of burning timber were carried in all directions causing alarms to be sent out from at least 20 different places. Ignitions from these strained embers occurred at the Academy immediately opposite which was saved only by the constant use of wet blankets; the Court House steeple, where the flames were extinguished by the carrying of a string of hose up into its belfry; the Independent Engine House, then standing in Court Square, Keefer's Blacksmith Shop adjoining the old Reformed Church, City Hotel Stables, Koontz's dwelling on Market, and Keller's Rope factory on Patrick Street besides many dwellings on these thoroughfares. Bucket brigades were formed to the town creek and Tyler's pond, and men, women, children, black and white, worked side by side with a will, dextrously passing from hand to hand the quaint leathern pails for filling the little engine reservoir, and returning them empty by the opposite file. A faithful reproduction of this scene, in the form of a well preserved banner painted in oil fifty years ago by the talented native artist, John J. Markell, is still extant. [A photograph of this banner is now in the Library of the Maryland Historical Society.]

Following the fire these houses were rebuilt and were ornamented in the taste fashionable during the 1840's. This was the period of the Classic Revival, and its influence is apparent in the balustrades and the columned doorways and porches that are still in place. These houses are built close to the street, but privacy is insured by the use of a high basement which projects the first floor windows far above the gaze of the passer-by. The doors to each house are placed next to each other, sheltered from the morning sun by formal pillared porches, painted white. Each of these neighborly doorways is pierced by a transom and side-lights, and the plan of the first floors is completed by two windows on the outer side of each entrance. The architectural unity of these twin houses is emphasized by a broad panel cornice extending across the double front perforated by the miniature windows which replaced dormers in the designs of the Revivalists. This panel is crowned by a graceful white balustrade stretching along the roof line of both houses.²³

²² This manuscript consisting of the personal recollections of Mrs. Markell (1828-1901) is now in the Archives of the Historical Society of Frederick County.

²³ Now the homes of Colonel Philip R. Winebrener and Mr. Robert T. Fisher.

Proceeding southward on Record Street, the next property is the site of the building in which, as has already been mentioned, William Ritchie resided. This ancient structure is said to have been built about 1750. It was a low one-story structure with a porch running across its front. Legend has made this building the first Court House, but the facts do not bear out this story. What is more likely is that William Ritchie, who was a longtime Clerk of the Court, may have conducted some of the public business in his home so that the house was remembered by some persons as the place where they had transacted legal business.²⁴

The gracious white house, on Church Street, which is now the home of Charles S. Lane, III, stands on property that was conveyed by several grantors in 1821 to John Nelson. Nelson was one of Frederick's most distinguished citizens,²⁵ who occupied many public offices of great importance, and the home that he built has always been one of the most admired in Frederick. He probably began construction of the house shortly after he purchased the land and completed it about 1823. It later passed through several owners, including members of the Steiner, McPherson, and Sifford families, until it became the home of Judge John Ritchie in 1880. Little more than half of the original house remains today but its appearance in Judge Ritchie's time was described in an article published in *The News Citizen* in 1933.

Behind those gorgeous twin horse-chestnut trees stood the beautiful home of Chief Judge and Mrs. John Ritchie, those remarkable parents of eighteen children. 'Ritchie's wall' was a Frederick institution over which we ran, jumped and raced up and down. Years ago the wing of the house, the old flagstone driveway with its large iron gates, and the Judge's fascinating little white brick office with green door and shutters gave way to modern buildings. The yard, where every kind of fruit tree grew, with its circle of old English boxwood and abundance of old fashioned flowers was a veritable Eden when the trees were in bloom.

Next to the Lane home on Church Street stands the property which was conveyed to Dr. John Tyler in 1813. A year later in 1814, a house was erected on this lot by Dr. Tyler which even today is sometimes called "The Spite House." The origin of this name is traced, according to legend, to a plan to extend Record

²⁴ Site of the present home of Edward D. Storm, Esq.

²⁵ U. S. House of Representatives (1821-1823), Chargé d'Affaires to the Two Sicilies (1831-1832), Attorney General of the United States (1843-1845) and Secretary of State *ad interim* (1844) in the Cabinet of President Tyler.

Street to meet Patrick which Dr. Tyler countered by placing a substantial building directly in the path of the proposed thoroughfare. This home was gradually enlarged by successive owners and today presents a picturesque appearance with casually projecting wings and rambling back buildings. The front door, often ajar in warm weather, reveals the unusually wide hall ornamented by an elliptical arch supported by engaged columns. The width of the hall gives a particularly graceful air to the winding stair that rises from it.²⁶

Standing on the corner of Church and Court (formerly Publick) Street is the Potts house, one of the better known of Frederick's old homes. The Potts lot was said by Ernest Helfenstein in his *History of All Saints Parish*²⁷ to have been the place chosen by Daniel Dulany for the first church in the Parish. For some reason this choice was not followed, and this lot was conveyed as part of the original Court House grounds to the County Commissioners. After the abandonment of the jail on Council Street, Roger Nelson negotiated the purchase of these lots, but died before he actually received title to them. After his death, the purchase was completed in 1818 by Richard Potts, son of Judge Richard Potts.

The house built by Richard Potts on this site was designed for him by Robert Mills, President Andrew Jackson's Architect of Public Buildings and designer of the Washington Monument in Baltimore, and was erected by Frederick builders under the direction of the McCleery brothers. Mills' plans and the McCleerys' ledgers for this project are still extant.²⁸ As designed by Mills, the principal feature of the house is the wide front entrance with its double doors ornamented with small oval panels. The leaded tracery of the elliptical fanlight and the side lights has been much admired and copied by modern builders. The door was set to the side of the main house, although the two windows occupying the remainder of the front were balanced to some extent by the wing to the north, known as the "office" to many generations of the Potts family. The end walls of the house rose to crows' steps which were connected by a classic railing, or balustrade, extended across the roof. To the rear a long service wing

²⁶ Presently owned by Mrs. William Schnauffer.

²⁷ (Frederick, 1932) p. 7.

²⁸ Now in the possession of Joseph W. Uner of Frederick.

was constructed parallel to the façade of the house. This wing was built with diminishing roof levels, providing a telescopic effect, and adjoined a hip-roofed smoke house, crowned with a pineapple finial. In over a century of occupancy by the Potts family some changes were inevitably made, including the addition of a slightly disproportionate third story. By and large, however, the house retains its original charm and still displays the skill of its distinguished architect.²⁹

Court Square today has a few gaps representing old structures of historical or architectural interest that have not survived the march of progress. The modern visitor will, nevertheless, find a concentration of distinguished buildings, each with its own character, yet conforming to a common pattern. A stroll around Court Square will amply reward the student of architecture and history or the layman who merely enjoys savoring the atmosphere in which Maryland's history and traditions have been developing and growing through more than two centuries.

²⁹ Now owned by Mr. and Mrs. John R. Cheatham.