

Baltimore county, without the limits of the city of Baltimore, the whole estate in the present Court House, shall be vested in the city of Baltimore, upon the payment to Baltimore county of one half of the value thereof.<sup>70</sup>

Two years later a referendum was authorized to be held October 2, 1837.<sup>71</sup> But for some reason unknown to this writer, the election was not held nor was it advertised in advance as the act had provided. Quick action followed the passage of a similar act in 1850.<sup>72</sup> This act assured the separation of the city from the county and provided that each district of the county elect three commissioners who would have authority to establish the county seat, purchase land and materials for public buildings and dispose of the buildings held in common with the City Council of Baltimore City, except for the courthouse and record office which were to become the property of the new government of Baltimore City on the payment of half their value to the County Commissioners as provided for by Chapter 151 of the Acts of 1834. This separation of City and County was recognized by the Constitutional Convention of 1850-1851, and throughout its proceedings Baltimore City is given equal status with the counties.

## Courthouse at Towson

Baltimore City at this point ceased to be the county seat of Baltimore County and the commissioners of the county, following the directive of the General Assembly, began the search for a new county seat. This task was made extremely difficult because the commissioners who had been elected for this purpose were not even unanimously in favor of separation.

Their first meeting was held June 3, 1850. After a day spent in fruitless debate, they adjourned until August 12. This second meeting was even more discouraging than the first, for the opponents of separation were able to get a further adjournment until March 1852. In the meanwhile, the Constitutional Convention had met and adjourned after having recognized the fact of separation. The new constitution went into effect July 4, 1851, and the first meeting of the General Assembly thereafter passed the necessary laws to implement it. One of these acts provided that the officers of Baltimore County might continue to function in Baltimore City until a county seat could be chosen and the necessary public buildings erected. The courts also were authorized to meet within the city, and the acknowledgment of deeds and other recording might continue in the record office of the city until other provisions were made. At the same session, an act was passed to repeal Chapter 540 of the Acts of 1849, which had given the duty of selecting a county seat to an elected group of commissioners. Moreover, machinery was now set up for the division of property, especially the courthouse, which was held in common by the county and city.<sup>73</sup>

A property settlement was concluded upon during the next session of the General Assembly. The city agreed to pay the county \$68,500 for its share of the courthouse, record office and jail and to release the county from any further obligations for repayment of the outstanding debt for rebuilding or building as the case might be. The almshouse was to be used jointly until sold, the proceeds of the sale to be divided equally; the county was to remain in possession of all the furniture in these buildings.<sup>74</sup>

The General Assembly was now ready again to take up the problem of a county seat. It agreed upon the following procedure: an election was to be held in November 1853 when each voter would make his choice; if no one place received a majority of all the votes cast, a second election would be held in which the three leading sites would be voted upon; if one still did not receive a majority then a third election was in order with the two leading sites competing.<sup>75</sup>

<sup>70</sup> Sec. 7, Ch. 151, Acts of 1834. Passed Mar. 9, 1835.

<sup>71</sup> Ch. 77, Acts of 1836.

<sup>72</sup> Ch. 540, Acts of 1849.

<sup>73</sup> Chaps. 17, 18, 86, 49, 357, Acts of 1852.

<sup>74</sup> Ch. 253, Acts of 1853.

<sup>75</sup> Ch. 452, Acts of 1853.