

Although we do not know the precise date of completion of the courthouse, it was surely being used before March 23, 1697/8, when a legislative committee reported as follows:

That in Kent County there is no Ordinary near the Court house, it is built with a wooden Chimney and the Records are Generally kept att the Clerks house unless in Court times.¹²

Unfortunately, the next three years of court records are missing. When the county charges are assessed in November 1700, there is only an item of glass for the courthouse, for which John Salter was paid 534 pounds of tobacco.¹³ Whether this glass was part of the original equipment or a replacement we cannot know.¹⁴

Second Courthouse at Chestertown

This courthouse was not destined to survive long. His Lordship's Justices held court there in March 1719/20 and then adjourned, not to meet again until the June term of 1720. The first item of business was a self-explanatory order to the sheriff:

Whereas the Court house for said County being burnt since the last Court and the Court meeting in Course according to adjournment the Justices thinks fitt to hold Court at the house of William Smith's in the Town of Chester in said County and that Notice be gave thereof that the Court is to be held at the Said William Smith's untill the Court house for said County Shall againe be repaired or fitt to sitt in.¹⁵

We can determine the date of the burning a little closer because we are told in the indictment of the accused arsonist that he had been arrested May 9, 1720. Since the crime of burning a courthouse made it possible for a capital sentence to be imposed, the accused, one Charles Hill, laborer and servant to Francis Collins, was sent to Annapolis to be tried by the Provincial Court. He arrived there in the custody of the Sheriff of Kent County, who delivered him to the Sheriff of Anne Arundel County on the order of the Court September 20, 1720. (Kent County authorities were no doubt happy to be rid of him for in addition to his other crime he had broken jail on May 29.) Hill was shortly thereafter brought to trial, whereupon he pleaded not guilty. Unfortunately for him, the jury held otherwise and on October 21, 1720—justice was speedy in those days—he was again before the court, this time for sentencing. When asked

what for himself he hath to say why According to Law he should not have Judg^t past on him to suffer Death, the said Charles prays the Benefit of his Clergy, w^{ch} is by the Court here granted him Accordingly—

Therefore it is Considered by the Justices here the day and year last mentioned,

¹² *Arch. of Md.*, XXII, 102.

¹³ *Kent County Court Proceedings, Liber J. D. No. 3, f. 25, Ms.*

¹⁴ Details about the building of a courthouse at this period are always found in the county charges. They have been given here fully, beginning with the purchase of the land, for a special reason: earlier historians have insisted that when Chestertown was erected as a town and port in 1706-1708 the courthouse was moved there. This writer cannot agree for several reasons: (1) there was no Act of Assembly to authorize the purchase of land for this purpose nor was there an Act of Assembly to provide a levy to pay for the building to replace one finished only eight years earlier; (2) there is no record in the court orders or the list of county charges to indicate that a new courthouse was built at this time; (3) the Acts of Assembly cited as authority for the location of Chestertown and the building of a new courthouse have been misinterpreted. The acts referred to require explanation.

In 1706, there was passed an "Act for Advancement of Trade, and Erecting Ports and Towns" (Ch. 14) which provided for the establishment of a port "In Chester River, on a Plantation of Mr. Joice's, between Mr. Wilmore's and Edward Walvin's plantation." This act was amended by an act of similar purpose passed in 1707 (Ch. 16) which in effect repealed the above: "The Place for the Town and Port, by the said Act [cited above] Erected upon Chester River. To be De-

serted. And in lieu thereof, the said Port and Town, with the Court-house of the said County, shall be built where the commissioners have purchased land for the same." The reference here is to the special commissioners whose duty it was to purchase land and lay off lots and not to the commissioners or justices of the County.

If we make allowances for the erratic punctuation of the time, we read that the port and town should be established near the courthouse and not as previously ordered at Mr. Joice's plantation. The Act of 1708 provides for a town to be erected and for fifty acres to be purchased "at Chester Ferry, at or near the Place where the old Court-house stood." (Ch. 3.) This Act had nothing to do with the case. In 1708, the old courthouse could only have been the one abandoned at New Yarmouth. Surely the one completed ten years before on the north shore of the Chester was still standing and could not be called the "old courthouse."

To further complicate the problem, all three of these acts were disallowed by Queen Anne and the titles of individuals who had purchased lots laid out under their authority were put in jeopardy. In order to remedy this intolerable situation, the General Assembly, having waited until Anne's death, passed an Act confirming all such titles the dissents notwithstanding. (Ch. 32, Acts of 1715.)

¹⁵ *Kent County Court Proceedings, 1717-1720, f. 459, Ms.*