

WASHINGTON COUNTY

The delegates to the First Maryland Constitutional Convention, which met in Annapolis late in 1774-1776, found it necessary to assume executive as well as legislative functions since there was no constitutional executive and the General Assembly had not met since the spring of 1774. It recognized as a critical problem the enormous size of Frederick County which at that time included the area now comprising Frederick, Washington, Montgomery, Allegany, Garrett and part of Carroll Counties.

As a first step in breaking up this administratively unwieldy unit it ordered the creation of two new counties, Montgomery and Washington.¹ This resolution of the Convention set the boundaries and named the counties. In the case of Washington County, it also appointed a commission empowered to purchase up to four acres of land for the public buildings at a place to be determined by the will of the inhabitants of the new county. Funds up to "thirteen hundred pounds of common money" for the buildings were to be provided for in the annual levies, and this money was to be turned over to the commissioners who were also authorized to contract for the buildings. On September 11, it was resolved that the qualifications for voters to decide on the county seat be the same as those required to vote for representatives to the Convention.² Finally, it was provided that in addition to the regular polling place at Hagerstown, the election would be held for two days at Skipton beginning November 6 in order to accommodate the inhabitants of the western part of the county.³

First Courthouse at Hagerstown

Although no evidence has survived in the records of the county which would prove the case, it seems fairly certain that after Hagerstown—or Elizabeth Town as it was then called—had been formally chosen as the county seat, work began immediately on the courthouse. It was a small building of which the first floor was used as a market. The second floor was used as a courtroom and for the miscellaneous governmental functions of the county. We do not know exactly when it was completed but it was certainly not done in January 1785—perhaps not even in use—for in that year the General Assembly granted to Justices of the county authority to levy an additional £1,000 to finish the courthouse and jail. It was the contention of the petitioners that such a levy was justified because of the devaluation of money since the first authorization had been granted in 1776. The General Assembly, which was long-suffering in such matters, accepted this reasoning.⁴

No contemporary description of this first Washington County courthouse has survived, but we know what it looked like because of the existence of lithographs of the period. It consisted of one large court chamber on the second floor and an open space below used for a market and later, apparently, as a thoroughfare. Within a few years it had become uncomfortably crowded, and by 1808 the Orphans' Court and the Register of Wills found it necessary to find other quarters. An Act of the General Assembly passed in December 1808 authorized the Justices of the Levy Court to levy a sufficient sum each year to pay the rental of such quarters and also provided that an additional \$160 be collected to pay for rent past due.⁵

¹ *Proceedings of the Conventions of the Province of Maryland held at The City of Annapolis in 1774, 1775 & 1776*, Baltimore and Annapolis, 1836, pp. 242-45; *Proceedings of September 6, 1776*.

² *Ibid.*, p. 253.

³ *Ibid.*, p. 282.

⁴ Ch. 30, Acts of 1784. Passed January 15, 1785.

⁵ Ch. 40, Acts of 1808.