

BALTIMORE COUNTY

Like several other counties whose establishment dates from the same period, the origin of Baltimore County is unknown. It is likely, however, that since the other counties of the last half of the seventeenth century were created by executive action, Baltimore County also owes its origin either to a proclamation of the governor or an order in council now lost. We are certain that the county was in existence before January 12, 1659/60, because on that day an order was issued to the sheriff to arrange for the election of burgesses to represent Baltimore County for the first time at the next session of the General Assembly.¹ Baltimore County as then constituted was enormous, including as it did the present counties of Harford, Carroll, Baltimore and Baltimore City, and parts of Cecil, Anne Arundel and Howard. It was reduced to its present size by 1851 when Baltimore City was made into a political entity closely resembling that of a county.²

Courthouse at Baltimore on Bush River

Unfortunately, the oldest court records have long since disappeared, and it seems impossible from other sources to determine whether there was a fixed place of meeting or even any real court sittings, except for the purpose of recording instruments, before 1674. In that year the General Assembly passed an act requiring that each county that had not already done so provide itself with a courthouse and jail.³ This order was not obeyed immediately in Baltimore County because

His Lordships Commissioners for Baltimore County being Divided in their Opinions touching the most Convenient Place for Building a Court house & Prison in the said County (in pursuance of an Act for a Court house and Prison in every County) and Captain Thomas Todd Exhibiting his Petition to the Upper house and praying Some certain Order and Direction of this house touching the Place for Erecting the s^d Buildings, This house doth Conceive that the most Convenient Place for the same will be the head of Gunpowder River on the North Side and therefore it is hereby Ordered that the Commissioners for the said County do take Notice hereof and appoint the Erecting the said Buildings in the Place here ascertained.⁴

There is no evidence in contemporary records of the exact location of the courthouse until some years later.⁵ In 1683, the General Assembly passed an act for the advancement of trade in which it was directed that a town be laid out "on Bush River on the Town Land near the Court House."⁶ This indicates beyond a reasonable doubt that the order of the Upper House directing that the courthouse be built on Gunpowder River was disobeyed.⁷

According to Judge Ritchie, the location on Bush River was within the bounds of old

¹ *Arch. of Md.*, I, 381. This account, through the first two courthouses of Baltimore County, owes much to Albert Ritchie, "The Early County Seats and Court Houses of Baltimore County," *Md. Hist. Mag.*, I, 3-15, 99-112.

² The reader will find details of these subtractions from Baltimore County in the chapters devoted to the counties named above or, better, in Edward B. Mathews, *The Counties of Maryland*, Baltimore, The Johns Hopkins Press, 1907.

³ Ch. 16, Acts of 1674.

⁴ *Arch. of Md.*, II, 430. Feb. 30, 1674/75.

⁵ At this point Judge Ritchie fell into several errors in using his sources: he does not put any store in the order of the

Upper House cited above because he found that no action was taken by the Lower House and no act was passed. He did not understand that the Council sitting as an Upper House was just as likely to issue orders in council as if it were sitting as the Council. He is skeptical of the efficacy of the Act of 1674 cited above because he thought it was repealed by Chapter 2 of the Acts of 1676. This was not the case: this act is divided into two parts, acts to be repealed and acts to be made permanent. Chapter 16 of the Acts of 1674 falls into the latter category.

⁶ Ch. 5.

⁷ But it is possible, if not probable, that some sort of temporary courthouse was used on Gunpowder River.