

up on Forster Neck on the Gunpowder which seems to have been at least someone's choice for the new county seat.<sup>27</sup> But the act erecting this town was disallowed by Queen Anne, and in any case, enthusiasm for it as a county town seems to have waned by the next year, if indeed it had ever existed. In 1707, an act was passed providing that Forster Neck should be deserted "And in lieu thereof, 50 Acres to be erected into a Town on a Tract of Land on the same River, Belonging to Anne Felks, and called Taylor's Choice, and the Court-house to be built there."<sup>28</sup> Queen Anne disallowed this act too, but it took some time before her royal pleasure was known on the banks of the Gunpowder. It is certain the news had not reached Annapolis by November 1709, for on that day a petition of some inhabitants of Baltimore County for removal of the courthouse was read and debated. It was then "Carryed by Majority of Votes that the Court House for that County continue where it is settled by Law."<sup>29</sup> Ten days later a bill was introduced for building a courthouse in Baltimore County which was summarily rejected because the "Supplementary Act for Towns [The Act then being considered by Queen Anne and subsequently rejected] have sufficient provided already to treat with Workmen and build the same."<sup>30</sup>

The General Assembly was either of two minds at this point or it did not understand exactly what it was doing. But on the Gunpowder the contest was being fought between rivals who knew exactly what they were doing. The party in favor of moving was led by Colonel James Maxwell who was a Justice of the Quorum, a member of the Legislative delegation, the owner of the land on which it was proposed to build the new courthouse, and an aspirant—successful as it turned out—to be the "undertaker" of the new building. On the other side were those who had a vested interest in keeping the seat of judgment where it was and this group was led by Richard Colegate.

The contest appeared in the records of the county for the first time at November Court 1709 when a levy of 40,000 pounds of tobacco was voted toward building the courthouse in "The Towne of Joppa: vulgarly called Gunpowder Towne which Said Mr. Richard Colegate wholly dissented to &c."<sup>31</sup> At March Court next a contract was entered into with Colonel Maxwell to build the courthouse but the clerk was careful to say that this decision was made by a majority vote:

The Majoroty of this Court now Setting doe agree with Coll. James Maxwell of Baltimore County Gent. to build a Courthouse at the Towne of Joppa: Commonly known by the name of Gunpowder Towne on these Dimentions following and the abovesaid Gent doth agree to give unto the said James Maxwell One hundred Twenty five Thousand pounds of Tobaccoe for the performance & the Accomplishing the same the Said James Maxwell doth bind himself and his heirs Exeets &c in the Sume of Two hundred and fifty Thousand pounds of Tobaccoe to perfect the same with all Expedition And the above payment of One hundred Twenty five Thousand pounds of Tobaccoe is to be paid unto the Said James Maxwell in three payments the last collection to be made in the Yeare One Thousand Seaven hundred and Eleven and for the Forty Thousand pounds of Tobaccoe allready leavied its ordered by the Court here Setting that the Sherriff pay unto the abovesaid James Maxwell when he shall require it towards the Carrying on the building abovesaid &c viz The Dementions of the Courthouse are as follows—

Thirty five foot long from outside to outside Twenty four foot wide from outside to outside Thirteen foot pitch and one foot on Each side overjettted the lower floore laid with Bricks The Justices Seat to be four foot wide and four foot high with a passage up to the said Seat on Each End a barr under the Judges Seat Eight foot Square with one more round that fiveteen foot wide and Eleven and a halfe foot long all the barrs and Seat of Justice to be with railles & Bannisters with a Gallery on Each side Six foot and Halfe high fiveteen foot long and four foot wide to be with railles and Bannisters Assending by plank Steps with Two windows at the End Six

<sup>27</sup> Ch. 14, Acts of 1706.

<sup>28</sup> Ch. 16, Acts of 1707.

<sup>29</sup> *Arch. of Md.*, XXVII, 421.

<sup>30</sup> *Ibid.*, p. 456.

<sup>31</sup> *Liber I. S. No. B., 1708-1715, Part I, f. 71, Ms.*