

petition, but in so doing it also fixed the location of the new courthouse precisely at "the point where a certain William Thomas Lived on Elk River known by the name of Long Point on Bohemia Manor and on the East side of the Creek called Broad Creek being nearest the centre of said County"; and they also set a limit of 60,000 pounds of tobacco for both the land and the county buildings.⁷

At the August term of court in the same year, two acres of ground so situated were purchased from Ephraim Augustine Herman for 300 pounds of tobacco.⁸ At the November term of court, 1717, the same Colonel Herman was granted 35,000 pounds of tobacco to build the courthouse.⁹ The following November he received a contract for building the new prison and for pillory and stocks; and he also received an additional payment of 24,600 pounds of tobacco for the courthouse.¹⁰ In March 1718/19, the justices held court "at the Court house on Elk River."¹¹ The sequel is quickly told: at August Court, an order was given to clear several roads to the new courthouse;¹² at November Court, it was ordered that the two acres around the courthouse be laid off in lots and it was also ordered that the land and buildings on Sassafras River be sold to the highest bidder.¹³ Apparently, Colonel Herman found it unprofitable to build the stocks and pillory as he had contracted to do, for at November Court 1719, Captain Abell Van Burkaloo promised to bring the old stocks from the old courthouse to the new.¹⁴ The next reference of the court to the courthouse contains the inevitable supplemental grant to the contractor: "Ordered that Coll Ephr Aug^t Herman be allowed Three thousand pounds of Tobacco for his Extraordinary Expenses defrayed about building the Court house."¹⁵

Johnston points out that about this time a rift appeared in the court, one which was not settled without an appeal to the governor and council, and that may explain why the final acceptance of the courthouse and the release of Colonel Herman from his bond were so long postponed. There were at least three commissions appointed to examine the building and close the business, but when this volume of court records was filled, there was no certainty that even the last of these commissions had done its duty.¹⁶ Meanwhile, the old courthouse, which had been scheduled for sale several years before, was still in the hands of the county late in 1721, for at that time John Ward was given full power to rent the building and land to those persons then in possession or to any others.¹⁷ Unfortunately, the court records for the next few years are missing and so these curious little problems seem destined to remain unresolved. Tradition has it that this courthouse on Court House Point was made of brick, but there is no proof, and even tradition does not give us any other details.

Courthouse at Charlestown

The justices of Cecil County continued to meet at Court House Point for many years, even though the site did not prosper any more than had the previous site on the Sassafras. But by the time the courthouse became dilapidated the center of population and activity had shifted again, and many of the inhabitants of the county petitioned the General Assembly for permission to move the county seat. This petition was granted at the session of 1781.¹⁸ The Act provided for a referendum to be taken the following February. It also provided for the sale of the old courthouse and the building of a new one at whatever site the largest number of voters should choose.¹⁹ The record of this election has not been preserved, but presumably

⁷ Ch. 6, Acts of 1717, *Laws Liber L.L. No. 4*, ff. 360-61, *Ms.* This Act appears never to have been printed, either in the *Archives of Maryland* or in earlier compendiums.

⁸ *Cecil County Court Records, 1717-1718, D.K. No. 1*, f. 41, *Ms.*

⁹ *Ibid.*, f. 74.

¹⁰ *Ibid.*, f. 150.

¹¹ *Op. cit.*, *S.K. No. 1*, f. 1.

¹² *Ibid.*, f. 130.

¹³ *Ibid.*, f. 164.

¹⁴ *Ibid.*, f. 207.

¹⁵ *Ibid.*, f. 269.

¹⁶ November Court 1721, *ibid.*, p. 428.

¹⁷ Johnston states that it was sold February 9, 1719 to John Ward for 5,700 pounds of tobacco, but this does not seem possible. *Op. cit.*, p. 248.

¹⁸ Ch. 9.

¹⁹ The Honorable Joshua Clayton in a fine oration delivered at the laying of the cornerstone of the present courthouse at Elkton stated that the courthouse at Court House Point was burned by General Howe's troops in August 1777 and that the records were carried away. There is reason to believe that Mr. Clayton was misinformed, at least about the burning of the courthouse.