

## Second Courthouse at Frederick

Unhappily for the county, Mr. Hardman appears to have been less competent as an undertaker than an innkeeper, although even in his chosen vocation, he was forever in trouble for running a "tippling house." Within a few years the "hull" of the building, for which he was responsible, began to deteriorate and by 1784, its state had become intolerable. No doubt there was always a degree of exaggeration in the petitions of "sundry citizens" of every county for the replacements of old courthouses; but that of "sundry inhabitants" of Frederick County is unusually graphic and gives every evidence of being more than normally truthful. It is quoted here as it found its way into the preamble of the Act of Assembly granting authority for a new building.

Whereas the Justices and sundry Inhabitants of Frederick County by their petition to the General Assembly have represented, that the Court House and Gaol are at present in a very impaired State—That the former is so much out of repair, that the public papers and Records are not only exposed to be purloined and taken out of the office above Stairs, but to be damaged and defaced by every driving rain and Snow that may happen by penetrating into the Office among the said Records and papers, that the Walls of the said Court House are giving away being Cracked and Chasms made from the foundation to the roof thereof that the Gaol is likewise in a very decayed State and will be insufficient with all the repairs that can be given to secure Criminals—<sup>10</sup>

The members of the General Assembly heard this cry of distress and thereupon empowered the justices of the county to levy up to £2,000 current money. They were also granted permission to sell whatever materials in the old courthouse which could not be used in the new building and to add the proceeds to the building fund. By 1787, the outside of the new courthouse was finished, but the interior was not ready and as is usual in these cases, the money had all been expended. It was necessary, therefore, to return to the General Assembly with a second plea, this time for £750 current money. An act authorizing this further levy was passed at the April Session, 1787.<sup>11</sup> Although it was apparently not finished at the time, the court began sitting in the new courthouse in March 1787.<sup>12</sup> From the time of the razing of the old, and the completion or near completion of the new, courthouse, quarters were secured for the court in the house of Mrs. Rebecca Owen, for which she was allowed thirteen pounds and fifteen shillings at the November Term of 1786.<sup>13</sup> The design of this building is attributed to Henry McCleery, described by Mathias as "Frederick's little known but highly talented architect . . ." <sup>14</sup> According to Scharf, the court appointed a building commission on April 8, 1785, to supervise the building and apparently it was this commission which employed McCleery.<sup>15</sup>

## Public Record Office

When this courthouse, in time, became crowded, the levy court of Frederick County asked and received permission to erect a fireproof building for the safekeeping of the public land records. The General Assembly in 1813 authorized them to levy whatever sum was required for the purpose. It was specified, however, that the building was to stand on the public ground and that it should be commodious.<sup>16</sup> We know that this office was built, although we can be certain of little else about it, and that it served its purpose until 1837 when for

<sup>10</sup> *Laws, Liber T.B.H. No. A*, pp. 465-66. *Ms.*

<sup>11</sup> Ch. 12.

<sup>12</sup> *Court Proceedings, 1787-1788*, p. 1. *Ms.*

<sup>13</sup> The date was actually January 2, 1787. *Court Minutes, Frederick County*, no pagination, *Ms.*

<sup>14</sup> *Op. cit.*, p. 111. Traditionally, the architect is given as Andrew McCleery. But according to Joseph W. Urner of Frederick, a descendant, it was Henry and not Andrew.

<sup>15</sup> *Op. cit.*, I, pp. 424-25. Scharf must have got this information from the court minutes or proceedings of that date; unfortunately both records have now disappeared. It would be interesting to know where Scharf got evidence that the first courthouse was made of wood; it does not seem possible. His figure of two thousand pounds as the cost of the second courthouse is wrong because he did not notice the supplemental authorization act cited above.

<sup>16</sup> Ch. 142, Acts of 1813.