

KENT COUNTY

Perhaps the most complicated of the county histories is that of Kent County. Before the grant of Maryland to Lord Baltimore, Virginians under William Claiborne were licensed to trade on the shores of the Chesapeake by Charles I. Shortly after this license passed the privy seal and in the same year, 1631, a trading post was established on the Isle of Kent, which was subsequently stoutly defended by the Virginians against the claims of Lord Baltimore both in the courts and in the field. Legally the issue was settled in favor of Lord Baltimore by an order of the Committee of Trade and Plantation, April 4, 1638, but it was several years before he finally secured his claim to the Island. It was perhaps no more than a feint in this contest, but whatever the reason, in this same year, the Governor and Council of Maryland appointed a sheriff of the Isle of Kent and this date is, therefore, often taken as the beginning of Kent County. However, there is no evidence that county government began at this time, and more cautious historians have preferred the date August 2, 1642, when Commissioners were appointed for the Isle and County of Kent. There is a unanimity of feeling that the county court also began to function at this date, although no records earlier than 1648 have survived.

The Isle of Kent or Kent County presumably governed—however loosely—all the area now known as the Eastern Shore until the northern tip, now most of Cecil County, was joined to Baltimore County in 1659. With the creation of Talbot County in 1662, the governmental breakup of the Shore began in earnest, not to end until the middle of the nineteenth century with the creation of Wicomico, the ninth county formed from the original area of Kent. As fortune would have it, even the Island which gave the county its name was one of the first areas to be lost, going to Talbot and then to Queen Anne's. Kent County is now the second smallest in the State lying between the Chester and the Sassafras, the border of Delaware and the shore of Chesapeake Bay.¹

The First Courthouses, Kent Island

Before the erection of Kent County, there was of a certainty a Kent Hundred Court which began to function around 1639. This court is mentioned frequently in the earliest records of the General Assembly, but if there was a fixed place of meeting it is not noted.² According to some historians the place of meeting was old Kent Fort. Tradition has it further that this site soon became inconvenient for most of the inhabitants and the place of holding court was removed to Broad Creek, also in the southern part of the Island. After another short period, this site was also abandoned, and the court began meeting at private homes. At some time before 1674, the place of holding court was transferred from Kent Island to Eastern Neck Island at the home of Joseph Wickes, for in that year the Governor ordered "that the place for holding your County Court be in some part of the easterne neck and not upon the Island [meaning Eastern Neck Island] as formerly."³

¹ The clearest account of the establishment of Kent County is to be found in Mathews, *The Counties of Maryland*, 511-15.

² *Arch. of Md.*, I, *passim*.

³ *Arch. of Md.*, XV, 42. A good account of the peregrinations of the Kent County Court before the Chestertown period is to be found in Percy G. Skirven, "Old Court House, Chestertown," *The Patriotic Marylander*, III, 51-54.

Courthouse at New Yarmouth on Eastern Neck

By 1679, there was a courthouse on Eastern Neck at the town of New Yarmouth on Gray's Inn Creek. The land on which it was built was deeded by James Ringgold to Lord Baltimore in 1680. It is also recorded that a jail had been built on this lot by the Kent County justices. This site seems to have remained the seat of justice for about sixteen years, but nothing is known of the building.⁴ At the April-May Session of the General Assembly of 1696, an act was passed providing for a more convenient site:

Whereas by the Late Division of the County of Kent [Establishment of Talbot County?] there is absolute Occasion for the ease and Conveniency of the Inhabitants thereof that the said County Court should be houlden att some other place, in the said County then att the present Court house⁵

By the terms of this act the justices of the county were authorized to purchase three acres of land and if no price could be agreed upon or if for some legal reason the owner could not sell, the justices were empowered to condemn.

First Courthouse at Chestertown

The justices were not long in taking advantage of this act. At the August term of court, 1696, they ordered the sheriff to impanel a jury to meet the following Tuesday—the order was issued August 26—"att the house of Mr. Isaac Calke for the Laying out and Valuing of Three Acres of Land whereon to build a Court house for this County."⁶ Nor was the sheriff slow to act, for he and his jury had already examined the land which lay on the north shore of the Chester River between the plantations of Edward Fry and Isaac Caulk and reported to the court held on September 1 that its fair value was 2,000 pounds of tobacco.⁷ In the list of county charges presented for the approval of the justices, October 30, 1696, we find the following items related to the building of the courthouse:

To ditto [Simon Wilmer] for laying out the Land for the Court house and recording the same	200
To John Sutton for building a Court house the agreement to remaine in the Sheriff's hands until the house be finished	6000
To the Land for building a Court house on and to remaine in the sheerif his custodie untill the right owner appears that can give a sufficient and good title to the county for the land, or till the Justices of this County shall otherwise order the sd. tob.	2000 ⁸

Apparently Sutton had finished the courthouse, or at least his part of it, by January 28, 1696/97, for on that day the court ordered the sheriff to pay him the total amount levied for the purpose.⁹ On June 23, 1697, the sheriff, Captain Edward Sweatman, was ordered to have the courthouse plastered and to provide pillory and stocks.¹⁰ The court which met November 8, 1697, included among the county charges certain additional items for the courthouse: Geofry Power was given two sums for nails for the plasterers; Morgan Browne was allowed 700 pounds of tobacco for building the chimney; a considerable amount was set aside to pay the plasterers "when finished"; William Bladen was allowed 400 pounds for drawing the bill which was presented to the assembly authorizing the purchase of the land for the courthouse; and to James, Simon Wilmer's Negro, 190 pounds were paid for the hair used by the plasterers.¹¹

⁴ Skirven, *loc. cit.* The deed from Ringgold to Lord Baltimore for the New Yarmouth courthouse is found in Kent County Deed Book, Liber B., ff. 146-49.

⁵ Ch. 8: *Arch. of Md.*, XIX, 376.

⁶ *Kent County Court Proceedings, 1676-1695*, f. 557, Ms.

⁷ *Ibid.*, ff. 699-10.

⁸ *Ibid.*, ff. 656-57. Payment for the land was subsequently

made to Edward Fry, Kent County Land Records, Liber C, 1692-1706, f. 121, Ms. Shortly thereafter "fifty foot squared" of this land was leased for twenty years to Geofrey Power at six pounds sterling per annum. Could this have been for an inn or an ordinary?

⁹ *Kent County Court Proceedings, 1676-1695*, f. 794, Ms.

¹⁰ *Ibid.*, f. 755.

¹¹ *Ibid.*, ff. 805, 806.

Although we do not know the precise date of completion of the courthouse, it was surely being used before March 23, 1697/8, when a legislative committee reported as follows:

That in Kent County there is no Ordinary near the Court house, it is built with a wooden Chimney and the Records are Generally kept att the Clerks house unless in Court times.¹²

Unfortunately, the next three years of court records are missing. When the county charges are assessed in November 1700, there is only an item of glass for the courthouse, for which John Salter was paid 534 pounds of tobacco.¹³ Whether this glass was part of the original equipment or a replacement we cannot know.¹⁴

Second Courthouse at Chestertown

This courthouse was not destined to survive long. His Lordship's Justices held court there in March 1719/20 and then adjourned, not to meet again until the June term of 1720. The first item of business was a self-explanatory order to the sheriff:

Whereas the Court house for said County being burnt since the last Court and the Court meeting in Course according to adjournment the Justices thinks fit to hold Court at the house of William Smith's in the Town of Chester in said County and that Notice be gave thereof that the Court is to be held at the Said William Smith's untill the Court house for said County Shall againe be repaired or fitt to sitt in.¹⁵

We can determine the date of the burning a little closer because we are told in the indictment of the accused arsonist that he had been arrested May 9, 1720. Since the crime of burning a courthouse made it possible for a capital sentence to be imposed, the accused, one Charles Hill, laborer and servant to Francis Collins, was sent to Annapolis to be tried by the Provincial Court. He arrived there in the custody of the Sheriff of Kent County, who delivered him to the Sheriff of Anne Arundel County on the order of the Court September 20, 1720. (Kent County authorities were no doubt happy to be rid of him for in addition to his other crime he had broken jail on May 29.) Hill was shortly thereafter brought to trial, whereupon he pleaded not guilty. Unfortunately for him, the jury held otherwise and on October 21, 1720—justice was speedy in those days—he was again before the court, this time for sentencing. When asked

what for himself he hath to say why According to Law he should not have Judg^t past on him to suffer Death, the said Charles prays the Benefit of his Clergy, w^{ch} is by the Court here granted him Accordingly—

Therefore it is Considered by the Justices here the day and year last mentioned,

¹² *Arch. of Md.*, XXII, 102.

¹³ *Kent County Court Proceedings, Liber J. D. No. 2, f. 25, Ms.*

¹⁴ Details about the building of a courthouse at this period are always found in the county charges. They have been given here fully, beginning with the purchase of the land, for a special reason: earlier historians have insisted that when Chestertown was erected as a town and port in 1706-1708 the courthouse was moved there. This writer cannot agree for several reasons: (1) there was no Act of Assembly to authorize the purchase of land for this purpose nor was there an Act of Assembly to provide a levy to pay for the building to replace one finished only eight years earlier; (2) there is no record in the court orders or the list of county charges to indicate that a new courthouse was built at this time; (3) the Acts of Assembly cited as authority for the location of Chestertown and the building of a new courthouse have been misinterpreted. The acts referred to require explanation.

In 1706, there was passed an "Act for Advancement of Trade, and Erecting Ports and Towns" (Ch. 14) which provided for the establishment of a port "In Chester River, on a Plantation of Mr. Joice's, between Mr. Wilmore's and Edward Walvin's plantation." This act was amended by an act of similar purpose passed in 1707 (Ch. 16) which in effect repealed the above: "The Place for the Town and Port, by the said Act [cited above] Erected upon Chester River. To be De-

serted. And in lieu thereof, the said Port and Town, with the Court-house of the said County, shall be built where the commissioners have purchased land for the same." The reference here is to the special commissioners whose duty it was to purchase land and lay off lots and not to the commissioners or justices of the County.

If we make allowances for the erratic punctuation of the time, we read that the port and town should be established near the courthouse and not as previously ordered at Mr. Joice's plantation. The Act of 1708 provides for a town to be erected and for fifty acres to be purchased "at Chester Ferry, at or near the Place where the old Court-house stood." (Ch. 3.) This Act had nothing to do with the case. In 1708, the old courthouse could only have been the one abandoned at New Yarmouth. Surely the one completed ten years before on the north shore of the Chester was still standing and could not be called the "old courthouse."

To further complicate the problem, all three of these acts were disallowed by Queen Anne and the titles of individuals who had purchased lots laid out under their authority were put in jeopardy. In order to remedy this intolerable situation, the General Assembly, having waited until Anne's death, passed an Act confirming all such titles the dissents notwithstanding (Ch. 32, Acts of 1715.)

¹⁵ *Kent County Court Proceedings, 1717-1720, f. 459, Ms.*

that the said Charles Hill be burnt in the Brawn of the Thumb of the Right Hand wth the Letter A, and thereupon the Sherr (*sic*) of Anne Arundel County to witt Stephen Warman Gent is commanded by the Court here to do Imediate Execution of the Judgm^t afd, Who afterwards makes return to the Court here that he has done Execution accordingly—And thereupon the said Charles Hill is discharged.¹⁶

In all the history of the county courthouses of Maryland, in the course of which there were so many burnings and so many charges of arson, Charles Hill is the unique convicted arsonist. How serious the crime was considered is indicated by the fact that the death penalty was mandatory—Hill escaped because of the plea of Benefit of Clergy, but even this loophole was stopped by the General Assembly which was so shocked by the lightness of the sentence that only six days later, October 27, 1720, it passed an act specifically excluding the plea of Benefit of Clergy in such cases.¹⁷

Meanwhile, the Justices of Kent County who were meeting in temporary quarters agreed with John Earle for repairing the courthouse. He was required to post a bond and to have the job done by June 15, 1721. The time allowed, almost exactly one year, and the cost, 55,000 pounds of tobacco, would indicate the courthouse had to be rebuilt from the ground up rather than repaired.¹⁸ But no details are available to us because there is a lacuna in the court records of the county following the June term of 1720.

The courthouse of 1698, which was rebuilt in 1720-1721, appears to have served its purpose satisfactorily until the middle of the century when, because of the growth of population and business and also because of its dilapidated condition, a petition from the justices and other inhabitants of the county was presented to the General Assembly asking for authority to spend a considerable sum for "the repairing or enlarging of the courthouse." The act which passed at the session of 1750 authorized the levying of 50,000 pounds of tobacco for this purpose.¹⁹ It is not now possible to determine the extent of the enlargement, if any, because none of the relevant records of the period have survived. We do know something more of the enlargement undertaken in the last years of the eighteenth century.

In 1796, an act was passed authorizing the Levy Court of Kent County to spend up to £400 current money to alter and repair the courthouse "so that the public records of said county may be kept secure."²⁰ The same petitioners came before the General Assembly the next year to report that they had found it would be less expensive and more convenient to build a new record office rather than to remodel the old courthouse. Authority was granted them to use the funds appropriated the previous year for this substitute project and they were also instructed "to attach the same to the Courthouse of said county, or to build the same separate therefrom . . ."²¹ Since there appears to have been an addition to the courthouse represented on *Martenet's Map of Kent County*, it can be assumed that the commissioners chose to attach the record office thereto rather than otherwise.²²

Forty years later, the Levy Court was authorized to spend up to \$700 for "the enlargement and repair of the house in which the offices of the clerk of the court and register of wills . . . are kept."²³ This appears to have been the last attempt made to fit this ancient building to the needs of a rapidly growing population.

Third Courthouse at Chestertown

By 1860, it seemed hopeless to attempt to shore up the old courthouse; consequently an act was passed "for taking down the present Court House and building in which the office of Register of Wills is kept, and for executing a new Court House on the Public Square in Ches-

¹⁶ *Provincial Court Judgments*, W. G. No. 1, f. 251, Ms.

¹⁷ Ch. 25.

¹⁸ *Kent County Court Proceedings, 1717-1720*, f. 470, Ms.

¹⁹ Ch. 6; *Arch. of Md.*, XLVI, 458-59.

²⁰ Ch. 29.

²¹ Ch. 104.

²² Simon J. Martenet, Baltimore, 1860, Maryland State Library.

²³ Ch. 132, Acts of 1831.

tertown, and Fire Proof Offices for the Clerk of the Circuit Court and Register of Wills, and suitable offices for the Sheriff and County Commissioners, and to provide means for accomplishing such purposes.”²⁴ A bond issue in the amount of \$12,000 was authorized, and the commissioners, who are named in the act, were required to fireproof all or part of the building and to furnish proper quarters for the courts and the other business of the county during the period when neither the old nor the new building would be usable, and all of this out of the same funds. The building erected at this time, while most unprepossessing in appearance, served its purpose without major repairs or alterations for fifty years. The names of the architect and builder are unknown to this writer but either one or the other was probably John A. Kennard.²⁵

Then, in 1912, an act was passed to authorize the issuance of \$20,000 in bonds to remodel and enlarge the building (subject to a referendum).²⁶ It has not been possible to determine whether this referendum carried; we can only be sure that it was called to the attention of the Supervisors of Elections at a special meeting of the county commissioners.²⁷

Finally, in 1937, further enlargement and remodeling was undertaken. While the facade of the building remained quite as it was in 1860, the vaults were made fireproof, the floor in the vestibule bricked, and a new heating plant installed. This work was under the supervision of two associated architects of Baltimore, Henry Powell Hopkins and Allan Burton.

²⁴ Ch. 23.

²⁵ *Proceedings of County Commissioners of Kent County*, April 5, 1860, Ms., Courthouse, Chestertown.

²⁶ Ch. 706.

²⁷ *Proceedings of County Commissioners*, October 17, 1912, Ms., Chestertown.