The RECORD

Publication of the Historical Society of Charles County, Inc. #6 January 1968

The project for the restoration of the Court House at Port Tobacco seems to have it's ups and downs. Let us hope that come spring activity will be renewed to accomplish the goal set at the time the state made the appropriation, several years ago.

I have tried to assemble some of the records regarding Charles County Court Houses and county seats in Charles County. They are not complete, because some of the research material was not readily available. Perhaps this subject can be continued in the next issue.

First; presented here is the action of the County Commissioners to build the first courthouse, four miles East of the head of Port Tobacco Creek.

Second; the act for erecting the second courthouse on the east side of the head of Port Tobacco Creek.

Third; the act for erecting a town on the east side of the head of Port Tobacco Creek.

Fourth; a sketch of the first courthouse found among the Charles County records.

Charles County Court Proceedings, 1674. 615

It is ordered that Cornelius Cormacke make his appearance at th^e^ next Court there to Answer to th^e^ Complaint of th^e^ Indians.

The Court is Adjourneyed for two houres.

The Court sitts again present Comissioners as before

M^r^ Henry Adames Continues his Attachment against th^e^ estate of Michaell Ashford in th^e^ hands of m^r^ Thomas Hussey

It is ordered th^t^ M^r^ Henry Adames & M^r^ Thomas Matthewes doe in th^e^ behalfe of th^e^ rest of th^e^ Comissioners bargaine & agree with M^r^ John Allen about th^e^ Court house & prison & Signe & seale th^e^ Conveyances on th^e^ behalfe of th^e^ Rest & take bond on th^e^ sixteene day of Novemb^r^ 1674

It is likewise ordered what is more done then th^e^ former bargaine with M^r^ John Allen about th^e^ Court house & prison, that hee the s^d^ John Allen shall have satisfaction th^e^ next yeare out of th^e^ County Levy

The Court is Adjourneyed till th^e^ second Twesday in January next

Mr John Allen acknowledges this ensueing Deed of Sale for a Court house & prison with an acre of Land belonging thereunto being a parcell of a tract of Land scituate & being in Charles County Called Moores Lodge to Mr Henry Adames & Mr Thomas Matthewes One the behalfe of the Right Honorable the Lord Propriet[r] for the publicke use of the Inhabitants of Charles County for a Court house for his L̄dps Justices to hold Court in, & a prison house to secure prisoners in when thereunto Comitted

To all Christian People to whom these presents shall come Greet- [p. 37]
inge I John Allen of Charles County in the Province of Maryland Gentleman, For & in Consideracon of twenty thousand pounds of good sound Merchantable tobacco raised in the s[d] County by a publicke levy & to me in hand paid, the receipt whereof I doe hereby acknowledge & therewith to be Fully paid, Contented & satisfied, have granted, bargained & sold, & by these presents doe grant bargaine & sell unto the Right Hono[ble] Caecilius absolute Lord & proprietary of Maryland & Avalon Lord Baron of Baltemore &c: his heires & Successors for ever, One acre of Land being parcell of a tract of Land scituate in Charles County afores[d] Called Moores Lodge distant from the head of Portobacco about foure miles, & one dwelling house scituate upon the s[d] acre of Land, twenty & five foot in Length & twenty & two foot in breadth, with a porch tenne foot long & eight

Liber F foot wide thereunto Adjoyneing with a roome over the first roome & another over the s[d] porch, & a shead behinde in breadth twelve foot & a halfe or thereabouts, divided with a partition into two roomes, with two bricke Chimneyes (that is to say) the one to be built in the Lower roome of the s[d] house, & the other upon the same foundation in the upper roome thereof, with all necessary & Convenient doores, locks, keyes, bolts, latches, hinges, stairecases, staires, windowes, window frames, Casements & glasse to be well glazed & put up in the s[d] frames throughout the s[d] house above & below, & all the roomes to be well plankt on the floores, the lower roome to be well wainscotted, the upper roome well daubed & sealed with

morter white limed & sized, & th^e^ shead sealed & lined with riven boards, And allsoe one other house to be built neare unto th^e^ S^d^ house & upon th^e^ s^d^ acre of Land three foot within ground at th^e^ foundation to be twenty & five foot long & fifteene foot wide within, & of sufficient strength for a prison, the first roome entring to be eight foot in height from th^e^ lower floore, & a partition in th^e^ middle thereof, with a loft or Garrett over all th^e^ s^d^ roome, & both the floores of th^e^ s^d^ roome & loft to be well plankt, & the said loft to be six foot high & sealed & lined with riven boards, Together with free Egresse & Regresse to & from th^e^ s^d^ houses for all persons at all times, The s^d^ dwelling house to be Compleately finished for a Court-house forthwith in manner above mentioned, And th^e^ s^d^ house for a prison to be finished as afores^d^ before th^e^ last day of May now next ensueinge, To have & to hold th^e^ s^d^ acre of Land & houses & all & singular th^e^ before graunted premises thereunto belonging with their & every of their appurtenances from mee th^e^ s^d^ John Allen & my heires for ever, unto th^e^ Right Honorable th^e^ Lord Proprietary aforesaid his heires & Successors forever, To & for th^e^ publicke use of his & their County of Charles County in Maryland afores^d^, & th^e^ Inhabitants thereof for a Court house for his L̄ds Justices to hold Court in, & a prison to secure prisoners when thereunto Co̅mitted, And to & for these very purposes for ever And I the s^d^ John Allen for myselfe my heires Exec^rs^ & Adm^rs^ doe hereby Covenant promise & graunt to & with th^e^ Right Hono^ble^ th^e^ Lord Proprietary afores^d^ his heires & Successors, That I th^e^ s^d^ John Allen my heires Exec^rs^ Adm^rs^ or Assignes shall & will from time to time & at all times hereafter maintein provide & keepe or Cause to be mainteined provided & kept a publicke ordinary or house of entertainement neare unto th^e^ s^d^ Court house & prison, for th^e^ Convenient entertainement of his L̄ds Justices & all other persons whatsoever at any time thither lawfully resortinge: And shall & will keepe & Cause to be kept the s^d^ Court house & prison in good & sufficient repair for ever except their foundations shall happen to decay with rottonnesse, And I the s^d^ John Allen for myselfe my heires exec^rs^ & Adm^rs^ doe further Covenant promise & grant to & with th^e^ Right Hono^ble^ th^e^ Ld Proprietary his heires & Successors afores^d^

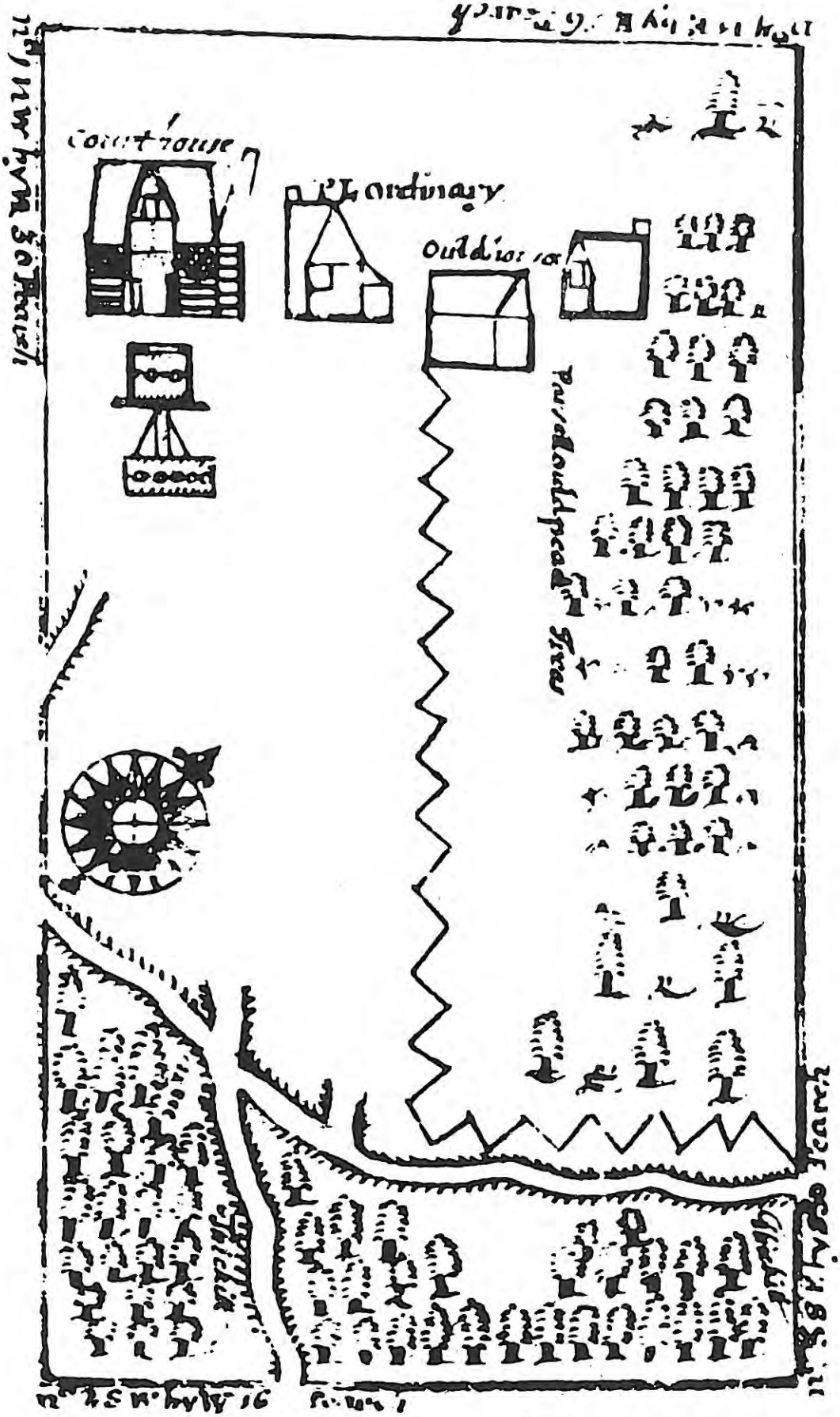
That I the s[d] John Allen my heires Exec[rs] Adm[rs] or Assignes shall & will when & as often as thereunto required, make, doe, acknowledge & execute all other such further act or acts, thing or things, devise or devises, Assurance or Assurances in the law whatsoever, For the further better & more sure & perfect assureinge & Conveyinge of all & singular th[e] above graunted premises with their & every of their rights members & appurtenances to th[e] Right Hono[ble] th[e] Lord Proprietary his heires & Successors as afores[d] to & for th[e] uses afores[d] for ever, In wittnesse whereof I have hereunto sett my hand & seale this tenth day of Novemb[r] in three & fortieth yeare of the Dominion of th[e] Right Hono[ble] Caecilius absolute Lord & Proprietary of Maryland & Avalon Lord Baron of Baltemore &c: Annoq̄ Domini 1674 John Allen (locus) sigilli

Liber F [p. 38]

Signed sealed & delivered
in the presence of
Benjamin Rozer
John Jones

Memorandū, that full & peaceable possession & seizin of th[e] s[d] house was given by the within named John Allen to M[r] Henry Adames M[r] Thomas Matthewes & M[r] Ignatius Causine three of his L[d]ps Justices on th[e] behalfe of th[e] Right Honor[bl] Caecilius Absolute Lord & Proprietary of th[e] Province of Maryland & Avalon Lord Baron of Baltemore &c for th[e] uses within mentioned in th[e] presence of us whose names are here under written

Benjamin Rozer
John Jones
Cleborne Lomax



From Charles County Records, Liber A, p. 277

SURVEYOR'S SKETCH of the Charles County Courthouse and the area in which it stood made in the year 1697. This Courthouse was built on land then owned by Thomas Hussey which was four miles from the head of Port Tobacco River on the North branch of Zekiah Swamp.

Figure II

Session Laws

Chap. XI p. 21

An Act for erecting a Court-House and Prison on the East Side of the Head of Port-Tobacco Creek, at a Place call'd Chandler-Town, in Charles County; and for making Sale of the Old Court-house and Prison.

Whereas the Magistrates of Charles County-court, by their humble Petition to this General Assembly, have set forth, That their Court-house is so far impaired, ruined, and decayed, that there is a Necessity for erecting a new One; and that the Place where the Court-house now stands, is so remote from any Landing, that the Charge of bringing Materials together, by Land-Carriage, for that End, will be much greater than if the same was to be built at the

Head of Port-Tobacco Creek, where they may be easily Water-born, and is a Place not only in that, but several other Respects, deem'd more beneficial for the Ease of the Inhabitants and Suitors to the said Court; and have therefore prayed Leave, That an Act may pass for the building the same at the Place aforesaid: All which being sufficiently made appear to this Assembly, together with the unanimous Voice and Consent of the Freeholders of the same County thereto, It is prayed that it may be Enacted, Session Laws

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Charles County-court, or the major Part of them, be and are hereby authorized and impowered, on or before the Second Tuesday of March, next after this Session of Assembly, to go to such Place commonly known by the Name of Chandler-Town, on the East Side of Port-Tobacco Creek, in the said County, and there make Choice of Three Acres of Land, whereon to build such Court-house and Prison, as they shall think necessary, and to agree with the Owner for the Purchase thereof forever. And in case the Owner or Owners of such Land, refuse

to make Sale of such Three Acres of Land, at a reasonable Price, or be under any Disability of making Sale thereof; then the said Justices, or the major Part of them, shall be and are (by Virtue of this Act) authorized, impowered, and required, to issue their Warrants to the Sheriff of the said County, requiring and commanding him to impannel and return a Jury of the most substantial Freeholders, (not less than Twelve,) Inhabitants within the said County, to be and appear before the said Commissioners, at the said Place, upon a certain Day to be by them limited; which Jury, upon their oath, to be by the said Commissioners, or the major Part of them, administred to the said Jurors, shall enquire into the Value of the said Three Acres of Land, and the Damages the Owner or Owners thereof will sustain by the building a Court-house thereon; and what sum of Tobacco the said Jurors shall assess to the Owner or Owners of such Land for such Land and Damages, for building a Court-house and Prison thereon, shall be paid to the Owner or Owners of such Land, by the said County, and the County entituled to such p. 22
Land, for the use of the said County for ever. And the said Justices, or the major Part of them, are authorized and hereby impowered to cause the said Three Acres of Land to be laid out by the Surveyor of the said County, and a Certificate thereof to be returned and recorded in the County-court Records, and to treat and agree with Undertakers, or Workmen, to build and finish a Court-house and Prison on such Three Acres of Land as aforesaid; and the Charge of the said Works and Costs of the Land, to levy upon the said County, by an equal Assessment on the Taxable Persons therein; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

94 *Assembly Proceedings, October* 10–30, 1727.

Session Laws

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That after the building and finishing the said Court house, Charles County-court shall be held in such new Court-house, and not elsewhere; and such new House shall be taken and deemed to be the proper Court-house of Charles County. And the Justices of the said County, are hereby impowered and required with all convenient Speed, after finishing the said new Court-house at Port-

Tobacco Creek as aforesaid, to remove, or cause to be removed from the old Court-house of the said County, to such Court-house as aforesaid, to be built in the said County, all the Record-Books, Rolls, Papers, and other Records to the said County-court belonging; and that they cause a List of the said Records to be Signed by the Clerk of the said County, and enter'd upon Record among their Proceedings.

And be it further Enacted, by and with the Advice and Consent aforesaid, That the Justices of the said County-court, or the major Part of them, are hereby authorized, impowered, and required (after building and finishing the new Court-house as aforesaid,) to make Sale of the old Court-house and Prison, with the Land thereto belonging, to the best Purchaser or Purchasers, and to convey an Estate thereof in Fee-simple, to them, their Heirs, and Assigns for ever:

[Chap. XII–XX were private laws; text has not been found]

And that the Money or Tobacco that shall arise by the Sale thereof, shall be applied to the Use of the County, towards defraying the Charge thereof; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Session Laws

456 *Assembly Proceedings, July 10–August 8, 1729.*

Chap. VI

An Act for the Laying out of Land, and erecting a Town at the Head of Port-Tobacco Creek, in Charles County.

Whereas the Inhabitants of Charles-County, by their humble Petition to the Legislature of this Province, have set forth, That the Land contiguous to that whereon the Court-house for the said County, is now Building, at the Head of Port-Tobacco Creek, is very convenient for a Town, being near the Center of the County, and commodious for Trade: And for that it appears to this General Assembly, that the erecting a Town at the Place aforesaid, will be advantageous, as well to the Inhabitants of the said County, as others Trading or Resorting thereto: It is therefore pray'd that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Gover-

nour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Colonel John Fendall, Major Robert Hanson. Mr. John Courts, Mr. Samuel Hanson, Capt. George Dent, Doctor Gustavus Brown, and Mr. Henry Holland Hawkins, or the Major Part of them, are hereby appointed Commissioners, and by Virtue of this Act authorized and impowered to agree for, and purchase Sixty Acres of Land at the Place aforesaid, and to cause the same to be survey'd and laid out in the most convenient Manner so as to adjoin to and encompass the Lands belonging to Port-Tobacco Church, and the said Court-house.

And be it further Enacted, That the Commissioners aforesaid, or the Major Part of them, are hereby impowered to meet together at the Court-house at the Place aforesaid, some Time before the Thirtieth Day of September next: And the Commissioners aforesaid, shall give Notive to the Person or Persons interested in the said Lands, of such their Meeting, some convenient Time before, that such Person or Persons may (if he, she, or they, think fit) attend, in Order to treat with the Commissioners aforesaid, or the major Part of them, concerning the Purchase of the said Sixty Acres of Land.

Acts. 457

And in Case the Owner or Owners of the said Land shall neglect to appear, or wilfully refuse to make Sale of the same, or through Nonage, Coverture, Non Sanæ Memoriæ, or any other Disability or Impediment whatsoever, be or are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall, and are (by Virtue of this Act) impowered and required to issue their Warrant, under their Hands and Seals, to the Sheriff of the said County, requiring him to impannel and return a Jury of the most substantial Free-holders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Place by them to be appointed; which Jury, upon their Oath, by the said Commissioners, or the major Part of them, to be administred, shall enquire, assess, and return, what Damages and Recompence they shall think fit to be awarded to the Owner or Owners of the said Sixty Acres of Land, and all Persons therein

Session Laws p. 5

concern'd, according to their several and respective Interests.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, on purchasing the Land aforesaid, from the Owner or Owners thereof, or in case of Neglect, Refusal, or Disability, of such Owner or Owners as aforesaid, on making Inquisition by a Jury as is before directed, shall cause the Surveyor of the County aforesaid, for the Time being, to lay out One Acre of the said Sixty Acres, for a Market-Place; and the remaining Fifty Nine Acres, to divide into One Hundred equal Lots, allowing convenient Streets, Lanes, and Alleys, to be first survey'd and stak'd out: And the Lots aforesaid, shall be likewise distinguished by some Posts or Stakes, towards the Streets, Lanes, and Alleys, mark'd N° 1. 2. 3. and so on to 100. Out of which Lots the Owner of said Land, shall have Liberty to chuse any Two of said Lots; provided he make such Choice within Fifteen Days after such Town shall be so laid out. And after such Choice, the remaining Lots may be taken up by any Person or Persons, inhabiting within the County aforesaid; provided such Person or Persons, shall not be allowed to take up more than One Lot, during the first Four Months after laying out the same. And in case the Inhabitants aforesaid, shall not take up the said Lots within the Time aforesaid, that then any Person or Persons whatsoever, shall and may have free Liberty to take up the same.

And be it further Enacted, That the Damage and Recompence which the Jurors aforesaid shall assess, or the Sum which the Commissioners shall agree for, shall be paid to the Owner or Owners of the said Land, by such Person or Persons as shall take up the said Lots, proportionably to his or their Lot or Lots.

And be it further Enacted, That every Person who shall take up any of the Lots aforesaid, shall be obliged to build thereon, within

in Case any the Lots aforesaid, shall remain untaken up at the End of Seven Years, from the laying out such said Town; that then, and

Session Laws

in such Case, the Owner or Person Interested at first in the said Land, after such Time expired, shall be possessed and interested in said Lot or Lots, as in his or their first and former Estate: Any Thing in this Act to the contrary, notwithstanding.

And be it Enacted, That the Surveyor of the said County, shall be allowed for laying out and surveying said Town, and returning Plat and Certificate thereof to the Clerk, and paid in the County Levy, the Sum of Fifteen Hundred Pounds of Tobacco; and that the Clerk be likewise paid by the said County, for entering and filing such Plat, Certificate, and Report of the Commissioners aforesaid, such reasonable Fee or Reward, as the Commissioners aforesaid, or the major Part of them, shall think fit; and for every Entry to be made by the Takers-up, for each Lot, the Sum of Twelve Pounds of Tobacco.

And be it further Enacted, That the said Town, when laid out, as before directed, shall thence forward be called and distinguish'd by the Name of Charles Town, and not by any other Name or Distinction whatsoever.

And be it further Enacted, That nothing in this Act shall extend, or be construed to extend to prejudice any Person or Persons, his or their Heirs or Assigns, who have comply'd with the Requisites of the Act of Assembly, whereby Part of the said Land was actually survey'd and laid out into Lots, and then call'd Chandler Town, of their Title to, or Inheritance in said Lots: But that the said Persons, their Heirs and Assigns, shall remain in the same State, as if this p. 7
Law had never been made. Saving also to His Most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights: Any Thing in this Act to the contrary thereof, in anywise, notwithstanding.

458 *Assembly Proceedings, July* 10–*August* 8, 1729.

Session Laws Eighteen Months from the Time of such Taking up, a House that shall cover Four Hundred square Feet, exclusive of Sheds. And to

the End, that the Houses aforesaid may be the more regularly placed,

Be it Enacted, That all the Houses to be erected on any the said Lots, shall be built on the Edge of some Street, Lane, or Alley, and front the same.

And be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid, or the major Part of them, shall return an Account of their Proceedings to the Clerk of the County, within Ten Days after the said Town shall be so laid out; who is hereby oblig'd to enter the same in the Land Records of the said County, and file and keep the Original Report in his Office; and that the Surveyor aforesaid, shall likewise return to the said Clerk, a fair Plat and Certificate of the said Town within the Time aforesaid, to be enter'd and fil'd as aforesaid; and that any Person or Persons, who shall think fit to take up any of the Lots aforesaid, shall apply to the said Clerk, who is hereby obliged to make an Entry in the said Records, of the Name or Names of the Person or Persons so applying, with
p. 6 the Day of the Month, Date of the Year, and Number of the Lot or Lots, by him, her, or them, so taken up: And the Person or Persons, who shall cause such Entry to be made, and shall build on such Lot or Lots according to the Directions, and within the Time limited by this Act, shall be vested with a good, sure, and indefeizable Estate of Inheritance, in Fee Simple, of, in, and to the Lot or Lots, by him, her, or them, so enter'd and built on, as aforesaid: Any Law, Statute, Usage, or Custom to the contrary thereof, in anywise, notwithstanding.

And be it further Enacted, That any Person or Persons, who shall take up any the Lot or Lots aforesaid, and shall neglect or refuse to build thereon, according to the Directions, and within the Time limited by this Act, such Person or Persons, so refusing or neglecting, shall intirely lose all his, her, or their Right, Title, Estate, Claim, and Interest, of, in, or to such Lot or Lots so taken up, and not built on as aforesaid. And it shall and may be lawful, for any Person or Persons whatsoever, to take up the said Lot or Lots, he, she, or they, making such Entry as is before by this Act directed, and paying such

Sum or Sums as shall be first set and assess'd upon such Lot or Lots, to the Commissioners aforesaid, or such Person or Persons, as the said Commissioners, or the major Part of them shall think fit to appoint to receive the same, for the Publick Use, and Benefit of the said Town. And such second Taker-up, shall, by Virtue of such Entry, and Payment, and Building on such Lot or Lots, according to the Directions of this Act, within Eighteen Months, from the Time of such second Entry, be vested with the same Estate, as in and by this Act, is vested in, and settled on the first Taker-up. And

SOMETHING TO THINK ABOUT.

We have a new President of the Society, Mr. W. Preston Williams. Mr. Williams is a native son of Charles County, deeply interested in it's history, a man of wide experience in business. He is determined to improve the Society, but he needs and asks for your help.

He has suggested we all review the objectives as set forth in the Constitution and perhaps you may find something of interest you can contribute of benefit to the other members and to the Society as a whole.

ARTICLE II - OBJECTIVE

Section 1. The purposes and objectives of this Society are to do all in its power to collect all the available historical material connected with or associated with the history of Charles County and to carefully preserve the same; to collect, preserve, and diffuse, by publication or other appropriate means, such information as may be available in the field of genealogy associated with Charles County; to encourage and assist in the preservation and restoration of anything of historical value, including but not limited to homes, tracts of the early settlements, grounds, battlefields, parks, lakes, streams, and rivers and their ports of call, within or bordering on Charles County.

Section 2. The objectives shall include the search, collection and assembly of historical relics, museum materials, copies of local county papers, old church records, private papers, monographs, letters, charts, prints and other items or materials of such nature with the power to operate and maintain museums, preserves and displays in connection therewith.