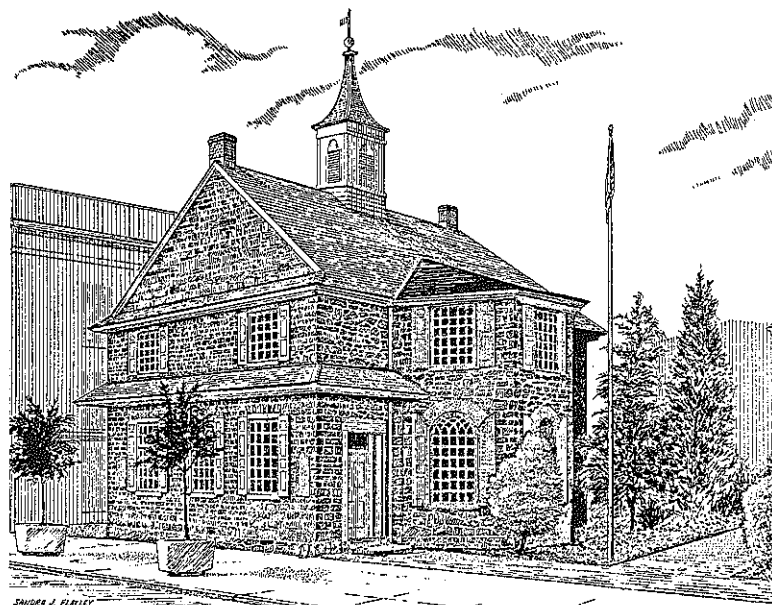


Saving
Chester's 1724 Court House
Oldest Public Building in United States





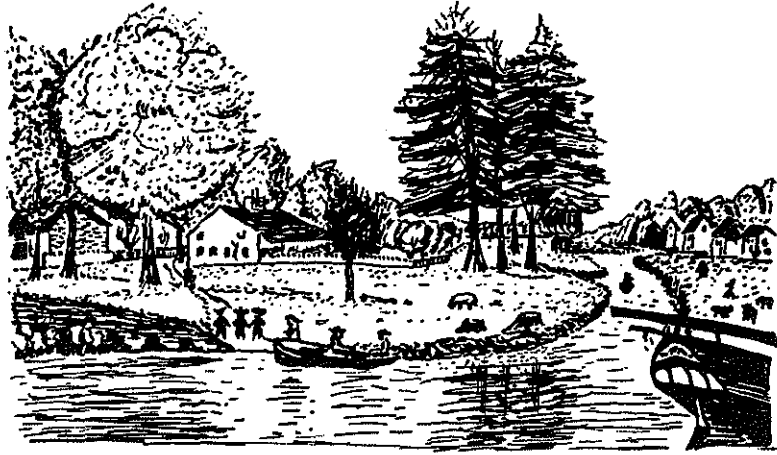
SHIRAZ J. FARLEY

*Colonial Court House in Chester, Pennsylvania
Built in 1724 it is the oldest public building in continuous use*

*Saving
Chester's 1724 Court House*

Oldest Public Building in United States





Penn Landing, Chester, Pennsylvania - October, 1682

SAVING CHESTER'S 1724 COURT HOUSE

Oldest Public Building in United States

In the heart of Chester's financial district, on the west side of Market Street and less than five blocks in from the Delaware River, is a handsome little gray stone building, nearly square. The trim of the window frames, with their many small panes, is painted white, as are the solid doors. Above in the belfry is the very bell which rang out for freedom in 1776. Built fifty-two years before, in 1724, this is now the earliest public building still standing in the United States, and in use until 1967. William Penn, the Proprietor of Pennsylvania, had been dead but six years, and George Washington would not be born for another eight, but both men enter into its story. It antedates Independence Hall by eleven years, and Boston's Faneuil Hall by eighteen. It is a treasure not only for the Commonwealth of Pennsylvania, but the whole United States.

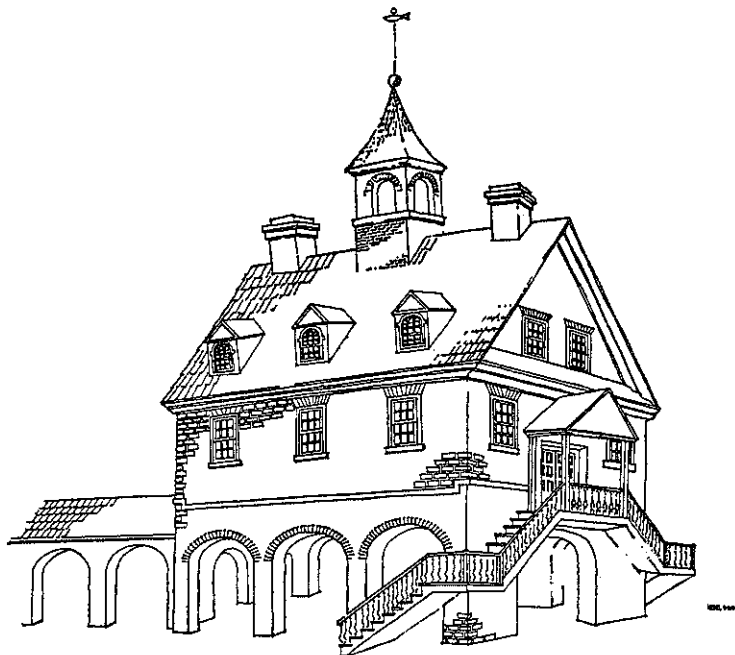
As soon as the earliest settlers arrived from Europe to make their homes along the Atlantic seaboard, they had need of courts to settle their affairs. Small or large; the theft of a hog, the fencing of boundary lines so the cattle could not stray, the buying and selling of land, settling an estate or the appointment of guardians, it must be put down in writing to stand the test of time. Governor Johan Printz, sent over from Sweden in 1643, set up his court on the first floor of his big log house, the Printzhof, on Tinicum Island on the Delaware. This was certainly the first, in a long line of judicial efforts, in what is now the Commonwealth of Pennsylvania.

Before William Penn came out as the Proprietor in 1682, magistrates and justices were helping the conflicting parties, most frequently at the little village then called Upland, where the Chester Creek flows into the Delaware. The Records of the Court of Upland have been printed. It was here at Upland that Penn landed on his way up the river in the ship *Welcome* in October 1682, and here that he called the first meeting of the Assembly two months later. By then he had changed the old name to Chester, in remembrance of the city in Cheshire, England, from which a number of the early Quakers had already come.

Penn went on up to the site of Philadelphia, between the two rivers, the Delaware and the Schuylkill, and established his Great Town, instead of at Chester, as he had originally planned. He founded the County of Phila-

delphia, followed by Bucks and Chester Counties in 1683, and each was to set up its own court. So Chester became the county seat for the original Chester County, but changes were made much later so that this oldest settled part of Pennsylvania is now Delaware County.

The early Quakers thought it wise, when there were small differences between neighbors, to make settlements out of court, and so experienced men, called Peace Makers, were appointed to this service. This was no doubt a great saving of time. But since it was not all so simple, the newly established courts required suitable buildings in which they could operate. At first these were existing houses, churches or buildings, any place large enough. In 1707 a fine brick structure was erected in Philadelphia on the north side of High (Market) Street, near Second. Since it was not torn down until 1835 many sketches were made of it, and in certain ways it may have been a model for the Court House built in Chester seventeen years later.



1707 Philadelphia Court House, demolished 1835

The main court room was on the second floor, which was built above arches, the ground floor being used for a market and shops. This was a style popular in England. There were two sets of stairs, from the east and the west along the High Street side. These led to a balcony with its entrance to the court room. From this elevated spot the mayors of Philadelphia made their proclamations and important preachers exhorted the thousands who stood in the mud or on the cobblestoned streets. For there were then no churches or public buildings large enough.

By 1723 both Chester and Bucks County courts needed more adequate quarters. The latter changed its location from Bristol, on the river, to Newtown, ten miles inland, in deference to the numbers who were moving into the "back" country. It was always advisable, if possible, to place a court house where those who came for business could leave home in the morning and arrive home by dark. This Newtown Court House served the people until after the Revolution.

Chester County decided to keep its Court House in the same town, but in a new location. About 700 people lived there then. The center had originally been along the creek, which was 300 feet wide at its mouth. However they chose a strategic location, one block to the east, on Market Street, and more than four blocks back from the river. A new jail and work house had already been put on adjoining ground, "in the country." But it was not to remain so for long. William Penn had given a market square to the town, at Third and Market Streets. It was a great privilege to be a market town; there were only four. Here the quit rent was paid to the Proprietor and his family, as was frequently noted on the early land transactions. And here, at stated times, the people would gather for business or frivolity. Next to Chester's Market Square was the Swedish burying ground, given to the town by Governor Printz' daughter, who once owned a home nearby. In one corner of it was the first St. Paul's Church, built by the Episcopalians in 1702.

But another circumstance made this an even more important location. The early Kings Highway had entirely skirted Chester, and come south from Darby two miles in back of Chester, where it crossed Chester Creek far upstream, at Caleb Pusey's Landingford Plantation, by the mills. This was the only North-South road at the beginning of the 18th century, the only way to travel except by water. About 1706 a bridge was built over Chester Creek in Chester at Third Street, replacing an earlier ferry. Then the Kings Road followed a shorter path. The rider, coming north, paralleled the Delaware River along Third Street, crossed over the new bridge and continued another block to the Square, where he turned north for two blocks, then east again to Philadelphia. True, this was first called the Queens Highway, but only until 1714, when Queen Anne died in England. And after the days of Independence it would be renamed the Post Road. Almost all of the traffic was by horseback, for until 1724 there were only eight individuals in Pennsylvania who owned carriages, the one in Chester County being David Lloyd. He lived close to the river just east of Market Street. It was in this area where all the ships moored, and many a vessel, coming in from England or the islands, went no farther upstream than Chester.

With much local pressure, the Pennsylvania Assembly decided in 1723 that 300£ should be spent to build a new court house in Chester. Unfortunately early records are missing so it is unlikely we shall ever know what master architect drew the plans or who the carpenters were who were employed to erect this building. Undoubtedly some of these craftsmen lived

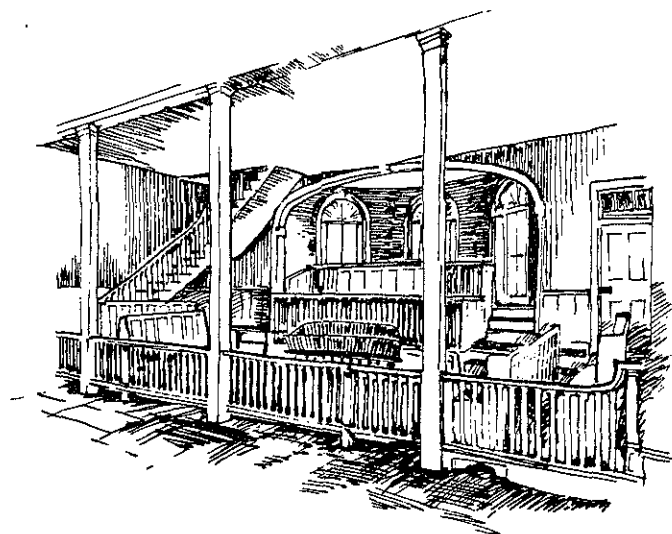
nearby. After 245 years it is still a delight to the eye. Present day architects say it is not Georgian in style though King George I had been on the throne of England for ten years. It is typical of the best building of the early 18th century. Did the plans come from some English Carpenter's book? Or was it a new awakening of good style and design, symbolized in Philadelphia by the formation of the Carpenters Company? This was also 1724.

Whether the 300£ allotted was enough we cannot judge. The English coins were then very scarce in the colony, but there is a record that the final cost was 1200 Lion or Dog dollars, stamped in Pennsylvania and used for local currency. The work was promptly done, for the Supreme Court of Pennsylvania met in the new court house for its 1724-25 session. What an occasion this must have been for the little town! The members of the Court, as well as the county's own judges, wore the long gowns and wigs, just as they did at Westminster.

While the actual accomplishment is thus shrouded, a whole sheaf of bills came to light in the back of some files more than a hundred years later, which give proof that the first cost is seldom the last. These tell of recurring problems, the shutters to be painted, crown glass to be put in the windows, the spindles of the stairs to be mended, and the need before long of a new shingle roof. Clarence W. Brazer, architect for the City of Chester, and president of the Delaware County Historical Society, at the time of the restoration in the early 1920's, almost two hundred years later, made a study in depth from which we report.

He found similarity between the 1707 Philadelphia Court House and the one erected here soon afterwards, in size, in the placing of the windows, the chimneys and the bell cupola. The court in Chester is 31 feet from north to south, 36 feet from east to west. Chester's bay window, 20 feet wide and 8 feet deep at the center, was added twenty years later. This gave room for the judge's bench, raised 2 feet above the bar. The door to the east end of the north wall is where the judges and the bar entered the room. They were separated from the populace by a wooden railing, on the far side of which was the crier's chair. Out in the audience the public sat on wooden benches.

On the floors were huge slabs of stone, similar in description to those which covered the ground at the Boars Head Inn in Chester, where William Penn is said to have spent much of the winter of 1682-83. In neither building was there any cellar. The outside stone walls were 2 feet thick. But someone was watching the expense, for the wall to the east, along Market Street and the front, to the south, were made of hewn blocks of stone, generally longer than high, while the other sides were rubble stone. "The vogue of Queen Ann fronts and Mary Ann backs," they called it. The windows in the court room were placed just high enough so that the inquisitive passer could not look in. The first floor was 13 feet high, the second floor 8½ feet. The bell in the tower, cast in London, was added five years later, in 1729. This bell, by the way, which rang out in defiance in 1776, is still the same, though for



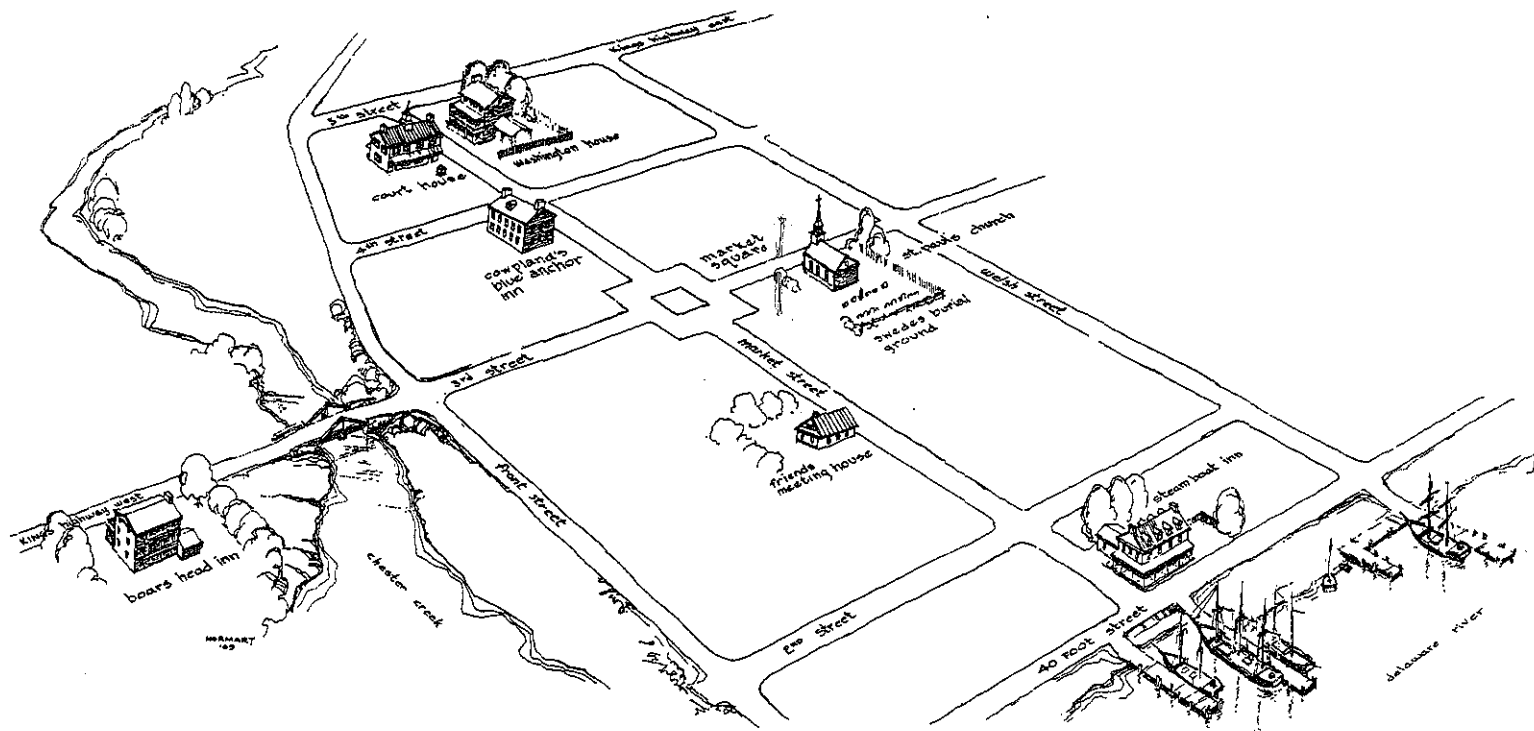
Court Room, main floor

a long time it was taken down, only to be put back in the 1920 restoration.

While the early planners provided for a good well of water, near the northeast corner of Fourth and Market Streets, the arrangements for heat in this splendid building were sketchy. Like in Philadelphia, there were no fireplaces on the ground floor, which was sensible for the former, with the markets and shops below, but hardly practical for the court room in Chester. As the Honorable William B. Broomall reported in an address in this venerable building in 1922, after the restoration: "There was no means of heating the Court room. The discomforts of the winter time tended to abbreviate the law's delay, and curtail the prisoners' agony of suspense in criminal cases." However there were fireplaces upstairs in the grand jury and petit jury rooms, so they could take their time. (Some of these rooms were long used for school, when the court was not in session.)

The furniture left over from the earlier court houses was moved in, but this was not enough. John Owen, a cabinetmaker of the town, fashioned a large oval table, 7 x 8 feet, for the court room, in 1725, and a smaller one for the grand jury room. Probably gate leg tables. A few of his are preserved. There was smaller furniture for the Petit Jury room. In addition chairs were ordered, some with arms, and benches for the people. It was all extremely fine for the times. In 1726 it was ordered that the great key, still used to unlock the massive door at the southeast corner, should be kept by the sheriff or clerk. The former would seem sensible, since his house adjoined the jail, a hundred feet away.

It is interesting to notice that in 1728 the Pennsylvania Assembly considered moving its sessions from Philadelphia to Chester, where no doubt the new Court House would have been appropriated temporarily. Instead, it



Court House, main streets, churches and taverns in Chester before the American Revolution

stayed and started plans for the State House. They were, no doubt, drawn to the new Chester Court House as this was the finest public building in the Commonwealth.

J. Parker

If there was any individual who gave constant care to the Court House in the early days, it was Joseph Parker. Arriving from Cumberland, England in 1714, he entered the office of David Lloyd, who had been appointed Attorney General of Pennsylvania by Penn in 1686. Now a resident of Chester, Lloyd became Chief Justice of Pennsylvania, a position which he held until his death in 1731. Under his tutelage Joseph Parker became the Prothonotary for Chester County in 1724, later the Register and Recorder. Those who read the old records will recognize his handwriting.

It was Joseph Parker, close to the center of things, who worried about the precious papers of the court and then the care of the Court House. Even before the building was erected he asked that there should be a safe place

where these records could be stored, but since this was not carried out, the papers generally were taken to Parker's own home or were left with the sheriff. It is remarkable that they have survived!

In 1737, after witnessing the desecration of the Court House, Joseph Parker rose in wrath and declared: "It is apparent to every person that will make use of his Eyes, that the Doors are most Commonly Left Open for Horses and Cattle to go in and out at Pleasure, the Furniture broke and Exceedingly Diminished and the place made a Common Stage whereby Rude people Breaks the windows—and Commits many Disorders which, if not timely Prevented, must end in the Ruin thereof." (Would that he were alive today to speak to our times!)

As the years went by, Market Street, from the Court House to the river, Edgmont Street, which parallels Chester Creek, and Third Street east of the creek, became popular places for inns. They were usually homes converted for a new use. By 1746 there were at least four in town and one of these is still standing. Conditions were fairly primitive, and most who spent the night had to share the bed with a stranger, frequently several beds being in one room. But below, where the victuals were served, all was friendly and cosy.

William Penn's sons, arriving in America a few years after the Court

House was built, would leave the boat at Chester and come up to see this fine stone building, where the arms of their own family, executed in wood or plaster, were tacked upon the wall, perhaps a mite below the royal arms. Chester would give its impromptu welcome and the Penns would spend the night at an inn or the home of a prominent citizen. Next morning a rider, who had gone ahead to take the word, would return down the Kings Highway with a number of escorts, each on horseback, to lead the Penns up to



Philadelphia for a royal reception. Benjamin Franklin, leaving for an assignment in Europe, came down to Chester to board the ship. And Benjamin West, the young artist, already in Europe, wrote back to Philadelphia for his beloved Betsy Shewell to come and join him. She was spirited away from her brother, who disapproved of the match, and brought down to Chester by some of the important men of the day, and delivered to Benjamin's father, John West, who proved to be an adequate chaperon.

All the great lawyers and judges of Pennsylvania at some time gave service in the Chester Court House. These included Andrew Hamilton, James Wilson, Signer of the Declaration, Tench Francis, Richard Peters, Thomas McKean, Edward Shippen, Joseph Galloway, Benjamin Chew, Jasper Yates and many others. But in the hearts of the local people, no one ever quite equalled John Morton.



John Morton was a local lad, born in Ridley Township in 1724, the year the Court House was built. His father died before he was born but a devoted stepfather taught him to make the best of his abilities. Descendant of some of the fine 17th century Swedish families, he had few years of formal education, but his land and road surveys are a work of art. He was called in by his relatives to write their wills, act as guardian, etc. Soon his talents were recognized in wider circles. In 1756, when he was 32, he was chosen one of Chester County's representatives to the Assembly, which met in the State House, now Independence Hall. From then on, except for one short period when he was appointed High Sheriff of Chester County, he never missed. Delegate to the Stamp Congress in New York, Justice for Chester County until John Penn

failed to renew his commission (to the distress of Benjamin Franklin), he was also Presiding Justice of the Orphans Court for Chester County. In 1774 he was Associate Justice of the Supreme Court of Pennsylvania and a member of the Continental Congress in 1774, 1775 and 1776.

Of great local interest is the fact that of the nine Pennsylvanians who signed the Declaration, he was the only one from Chester County. When it came to taking the fateful vote, on July 1 and July 2, 1776, several managed to be absent, or to abstain. There were only three who voted to sever the ties with England: Franklin, James Wilson, who was born in Scotland, and John Morton. They were a majority of those voting, so made the decision for Pennsylvania to line up with the other twelve colonies. John Morton was the first to die, of all the Signers, in April 1777, when he was 53 years old. He was buried at the Swedish graveyard, a block and a half away from the Court House. Recent research proves he was *not* born in the home of his great-grandfather, which is now preserved by the State as the Morton Homestead. His own home in the present Ridley Park has been taken down. Surely there is no place which relives the spirit of John Morton more than the old Court House!



But read in the County histories of the local activities just before the outbreak of the Revolution. On December 20, 1774: "A very respectable number of the inhabitants of the County of Chester, sometimes called the Committee of Seventy, convened at the Court-house, in the borough of Chester, for the purpose of choosing a committee to carry into execution the Association of the late Continental Congress." Anthony Wayne, Esq., was chosen as chairman, Francis Johnston, Esq., as secretary. This was of course the same Anthony Wayne who drilled the troops in the courtyard, and later became known as "Mad Anthony Wayne," one of the most effective generals. But in those early days the Committee of Seventy adjourned to meet at David Cowpland's Blue Anchor Tavern, at Fourth and Market, just beyond the well. Here they held subsequent meetings the next few years, for David, though born in Yorkshire, England, was a sympathizer and one of their own members. The Blue Anchor, incidentally, was first licensed to John West in 1733, five years before his artist son was born in Springfield.

The Washington House, first called the Pennsylvania Arms, stood almost across Market Street from the Court House for about 200 years. Built in 1747 as a hostelry, it became a favorite stopping place for General Washington, as he traveled north and south. He is reputed to have come here after the disastrous Battle of Brandywine, and to have written his report to the Congress. Then he was warned that it was not well for him to be in such a public place, for the British were advancing. It is said that he rode part way

into Philadelphia, to snatch a few hours' rest at the home of John McIlvain.

After the evacuation of Philadelphia by the British, the name was changed to the Washington House. According to the historian, Henry G. Ashmead, when Washington was President, the family traveled back and forth through Chester, between the Capital in Philadelphia and their home in Mount Vernon, and made quite a stir when they pulled in, with coach and four, at the Washington House. (The big sign for the Washington House, painted in the 19th century by Edward Hicks, now belongs to the Delaware County Historical Society.)

George Washington

If this old Court House had ears and eyes, how much it would have heard and seen! Trials like that for "Sandy Flash," a bandit during the Revolution, who was hanged on the gallows. And surely, Caesar Rodney of Delaware, lashing his horse on that mad dash for Philadelphia, came by this way. A cannon ball from an English ship on the Delaware struck the Steamboat Tavern, at the foot of Market Street. Then the town, with more than 150 houses, was filled with terror because they were so exposed. But the British were more interested in reaching Philadelphia, which until 1790 was the largest city in America.

But the Court House was to have its day. The Continental Congress had actually voted on July 2. Then the text of the Declaration was taken to John Dunlap, the Philadelphia printer, to have copies made. These were dated July 4, 1776. These in turn were taken by riders to various Court Houses within a hundred or miles radius of Philadelphia, for there was no faster way to send the news. Each County Court was instructed to assemble the people on the 8th day of July to hear the reading of the Declaration of Independence, at which time it would also be read in Philadelphia. (It was undoubtedly one of the few remaining John Dunlap copies which recently sold at auction for \$404,000.)

The best eye witness report came, not from Chester, but from Philadelphia, but it may have been much the same. The writer in Philadelphia was Christopher Marshall. "Warm sunshine morning. At eleven went and met committee of inspection at Philosophical Hall;—went from there in a body—joined the committee of Safety (as called), went in a body to the State House Yard, where, in the presence of a great concourse of the people the Declaration of Independence was read by John Nixon. The company declared their approbation by three repeated huzzas. The King's Arms were taken down in the Court Room, State House at the same time." Then the bell, with the prophetic Biblical quotation was rung "Proclaim liberty throughout the land,



1724 Chester Court House, viewed from the southwest

to all the inhabitants thereof." This bell did not crack until later. All of the bells rung on this occasion, in the Many Court Houses, are rightly "Liberty Bells," but few of them are left. And in Philadelphia, as perhaps in others, the celebration was carried long after dark with bonfires. There was rejoicing that the decision had been made, as well as secret fear for the struggle that could no longer be avoided.

Who read the Declaration of Independence in Chester on that day? We have been unable to find out, but one person believes she read it was Richard Riley of Marcus Hook. He would have been a good choice for the honor. He was a delegate to the second Provincial Convention in 1775, a member of the Committee for Safety for Chester County, and a frequent Justice of the county. Only twelve miles from Philadelphia, Chester should have had a very large gathering, for the word would have spread to every farmhouse. And the bell in the steeple would have rung for half an hour to bring the local families together. The reader probably stood at a second floor window looking down on Market Street. Here too there would have been huzzas, the wild ringing of the bell, and the tearing down of the royal arms. Sixteen years before, when George III came to the throne, suitable celebration had been held in all the court houses. Now they were happy to see the last of the English rule.

Not many years after the Revolution there was dissension, for most people lived some distance from Chester and a more central site must be found. In 1786 this was accomplished by a move to West Chester. The records, and even the furniture, were moved, leaving an empty building behind. But three years later, in 1789, the county was divided and the earliest

settled part was set up as Delaware County. Then the court came back again to its gray stone building. It was finally outgrown in 1851, when new quarters were built in Media, five miles inland. This time the Court House and two lots were sold to the City of Chester, now with a population of 3500, for \$2,601.00!

The City Fathers had no knowledge of architecture, and made changes at will. By 1917 there was agitation to tear the building down, as there has been occasionally since, especially by those who put a high value on parking lots! William Cameron Sproul, Esq., of Chester, a senator in Harrisburg, and one of the original members of the first Pennsylvania Historical Commission, then became governor of the State. He offered to pay out of his own pocket for a proper restoration of the old Court House, providing the City of Chester would maintain it as a museum, allowing the Delaware County Historical Society and the Delaware County chapter of the DAR to use stated rooms on the second floor. The restoration done at this time, with Clarence Brazer as the architect, was very fine and cost more than \$50,000. Much of the paneling on the first floor had to be replaced but Mr. Brazer marked what was original.

In 1922, when the dedication was held, it was attended by six governors besides Governor Sproul. One of them was Calvin Coolidge, who the next year became President of the United States. Down from Chester County came one of the early benches, thought to date from about 1760. It had been taken there in 1786, and now, after lots of wear, it was being consigned to the scrap pile, when recognized, repaired and returned to a place of honor.

Now another 47 years have passed. Architects and engineers examining the old building a few years ago, found the load of the library and the museum of the Historical Society entirely too heavy for the second floor, and the old building unsafe for the crowds of school children who came to see the latter. The Historical Society was forced to move out. The building has been closed for two years, in which time it has greatly deteriorated.

But we must not forget one glorious evening, the reception for Lafayette on his triumphal tour in October 1824. He had seen the Court House first when he rode down with Washington from Philadelphia shortly before the Battle of Brandywine. He was here again soon after that battle and had his wounds dressed. (Three taverns later claimed he had been their guest on that occasion!) And now, another 47 years later, he was being feted as the Nation's Guest, from Maine to Georgia as well as far inland. Late in his sixties, he must have been a very weary man. There had been a full day of festivities in Philadelphia. As described in one of the city newspapers, he left Philadelphia by boat about supper time, planning to be in Chester by nine. But there was no wind. At eleven they finally reached Chester. The boys and men of the town were down at the foot of Market Street, each carrying a lighted candle in a low holder. Lafayette came to the Court House, entering

by the doorway intended for the judges and important guests. But alas, a program had been planned so they must adhere to it. Lafayette made a brief but polite rejoinder. And finally, at one o'clock in the morning, he climbed that long flight of stairs to the second floor, where a hundred of the leading citizens sat down to partake of a collation. The paper reports that the tables were decorated with greens, but does not mention the food. Possibly they were all too tired to notice! There were special dinner plates provided for this dinner, which each man took home as a souvenir, very handsome, white with green scrolls. A few of them have been given back and one should certainly grace the Court House at some future date, in memory of that evening. Next morning Lafayette did not trust the river. He took a carriage to Wilmington!



Dr. S. K. Stevens, executive director of the Pennsylvania Historical and Museum Commission, published a book, *Pennsylvania, Birthplace of a Nation* in 1964. In this he places Chester's Court House in the proper company. He writes: "Quite naturally, because of its greater wealth, Philadelphia was the center of the finer architecture of colonial times. Andrew Hamilton's design for the Pennsylvania State House which became Independence Hall resulted in one of the truly distinctive buildings in the colonies. Christ Church, the Pennsylvania Hospital, the old Court House at Chester, and Old Swedes Church (Gloria Dei) were all built in the midcolonial era and represented some of the best architecture anywhere in the British Empire of the time."

Of these five buildings singled out, four are brick and only the Court House is made of stone. The brick buildings were all in Philadelphia, only the Court House was outside. The churches and the hospital have been given devoted care. Only the Court House in Chester has been allowed to languish over the years. The City of Chester has many problems, and in spite of the agreement with former Governor Sproul, historical preservation has not been a major interest.

Various members of the Delaware County Bar Association now join with Delaware County's legislators in Harrisburg, and with the various historical societies, in a request that the State of Pennsylvania acquire this property and open it to the public under the care of the Historical and Museum Commission. The City Council of Chester has agreed to this arrangement. They will give up all rights of ownership. Then this earliest public building in the United States will become a concern of all Pennsylvanians, an outstanding shrine, and a symbol of justice.

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