

Early Justices in Washington Courts

BY JOHN CLAGETT PROCTOR.

THE Police Court Building of today does not have attached to it so much historic interest for the oldest inhabitant as did the Unitarian Church which once occupied this site and which did court service for many years after the church people had moved uptown.

The old Police Court Building was dedicated as the First Unitarian Church on June 12, 1822, its first pastor having been Rev. Robert Little, and here Gen. Lafayette attended divine service shortly after he arrived in Washington late in 1824.

It was designed by Charles Bulfinch, one of the architects of the Capitol, and was constructed of brick with smooth plaster finish exterior, and was noted for its distinguished communicants, included among whom were John Quincy Adams, John C. Calhoun, William Winston Seaton, Joseph Gales, sr., and the son, Joseph Gales; William Eliot, Charles Bulfinch, John F. Webb, C. S. Fowler, Judge William Cranch, Horace Greeley, when he served in Congress from 1843 to 1849, and Millard Fillmore when serving in Congress and as Vice President.

Thomas Law, who married Mrs. Washington's daughter, was at least a contributor toward its erection, and Richard Wallach, Mayor of Washington, attended there, while Edward Everett Hale began here his notable career as a preacher. The church building was also used for a while during the Civil War as a hospital and was known as the Unitarian Church Hospital and also as the Cranch Hospital. After it was vacated by the Army, December 26, 1862, it was again used for religious purposes by the Unitarians until they moved to their new location at Fourteenth and L streets early in 1878, where it became known as All Souls' Church. The denomination is now at Sixteenth and Harvard streets, and is the edifice attended by the late ex-President and Chief Justice Taft.

THE Police Court dates its origin from the administration of Gen. Grant, when that President, in accordance with the act of Congress approved June 17, 1870, signed the commission appointing William B. Snell judge of the newly created court on June 30 of that year. President Grant appointed many good men to office, but none more thorough and efficient than was Judge Snell. Indeed, he took office just at a time when a man of his caliber was needed and required, and until the day of his retirement from the bench, 18 years later, he faithfully performed every duty to the entire satisfaction of the citizens of the District and the Federal officials.

Before the Police Court came into existence, justices of the peace appointed by the President performed not only civil duties, but handled to a certain extent criminal matters as well. One of these, who had his office above Florida avenue on Seventh street, was O. S. B. Wall, a light colored man, whose first name was Orindatus. Of course, there were many distinguished men who served as justices of the peace in the District of Columbia, and it is not unusual to run across such names as Robert Brent, the first mayor of the city; Thomas Carbery, another mayor; Daniel Carroll, probably the original proprietor; Thomas Corcoran, father of the philanthropist, W. W. Corcoran; Captain William Easby, grandfather of Col. James S. Easby-Smith; Richard Bland Lee, who served in the First, Second and Third Congresses from Virginia, and who was appointed in 1819 by President Monroe judge of the Orphans' Court of the District of Columbia. Thomas Sim Lee, appointed a justice of the peace here in 1801, by President Thomas Jefferson, had the distinction of being a member of the Provincial Council of 1777, Governor of Maryland, 1779-1783 and 1792-1794, declining this office, though elected in 1798, and was a member of the Continental Congress, 1783-1784.

John Mason, who owned and resided on Analostan Island, son of George Mason of Gunston Hall, also received his commission from Mr. Jefferson. Tench Ringgold was appointed to serve from Alexandria County, then a part of the District of Columbia. Andrew Rothwell, great-grandfather of George Rothwell Brown and of Mrs. Jennie Stickney Sheriff Scharf, was first appointed in 1851. William Thornton, architect of the Capitol; Benjamin Stoddert, first Secretary of the Navy; Roger C. Weightman, later Mayor of Washington, and Lund Washington, sr., also served as justices of the peace in the early days of the city.

RECENTLY the writer came across an interesting case tried before one of the old police justices in the days before the Police Court was established. It was tried before Thomas Courtney Donn, one of the better known police justices of the District, who usually held his court sessions at the Central Guard House, which was built about 1840 and adjoined the Center Market on the north and on a line with Eighth street. It was here that Capt. John H. Goddard and his auxiliary guard of 15 men had their headquarters until the new guard house on Louisiana avenue was completed in 1859. It was of brick, two stories high, had a bell tower, and was used as a temporary prison for lawbreakers and for the trial of offenders.

It was in the days when the temperance movement was at its height, and when those opposed to it did everything they could to break up its meetings. The weapons used upon this occasion, in October, 1853, were unsanitary eggs, and the attorney for the defendant, A. Hunter, was A. T. Herrington, a master painter. In speaking of the trial before Justice Donn, the Intelligencer said:

"Great Egg-citement.—It is well known to both citizens and strangers that Mr. George Savage and a party of his friends are in the habit of holding temperance meetings on Pennsylvania avenue and at other places outdoors on the Sabbath day during the prevalence of fine weather. Last Sunday while Mr. Savage

Judge Snell and the Police Tribunal of the District—Sessions First Held in Circus Building—Present Bench and Urgent Need of New Buildings.



The old Police Court Building, site of the present building, originally a Unitarian Church.

was speaking before the door of Mr. Upperman there were occurrences of an unpleasant character, which gave rise yesterday afternoon to proceedings before Justice Donn—George Savage vs. A. Hunter.

"A large crowd of persons assembled in the office, and much interest was manifested during the progress of the examination.

"Mr. Savage was represented by Mr. A. T. Herrington, a master painter, who assumed the position of a lawyer for this special occasion. Mr. Hunter's counsel was Col. M. Thompson.

THE first witness called was Mr. Savage, who stated that while he was addressing an audience on Pennsylvania avenue last Sunday afternoon Mr. Hunter assaulted him by throwing eggs at him. He was struck both in the face and on the side of the head by two of those missiles. He was not, however, much injured.

"Col. Thompson—You state that two eggs were thrown at you.

"Mr. Savage—Yes, sir.

"Col. Thompson—State what you were doing at the time.

"Mr. Savage—I was advocating the temperance cause. I don't know what my precise language was. It was in front of Upperman's store. Just previous to receiving the blows from the eggs, I observed a crowd near the house said to be occupied by Mme. Hunter. I inquired into the cause, and was told that a man named Williams had drawn the crowd around him. I then said I thought it was a party of Mme. Hunter's boys, and should therefore call them by that name. Between Mr. Upperman's and Mme. Hunter's a lot of inter-venues. There were about a hundred persons present, and they occupied the pavement. I saw ladies passing, but they were not obliged to go into the street to get past. That is all I said on that occasion previous to the blows. The first egg was a rotten one, and smelt offensively all the evening. (Laughter.) I saw Mr. Hunter throw four eggs, two of which struck me.

"Col. Thompson—You think then that the first was a bad egg?

"Mr. Savage (smiling)—I do. The first egg hit my face.

"Col. Thompson—What effect had the second egg?

"Mr. Savage—It dirtied me; soiled my coat. That is all the violence I received. I was ordered to clear out by that individual (pointing to Hunter) and some others. It is the first time I was ever struck in any way, except, perhaps, with the stump of a cigar or a quid of tobacco thrown by some blackguard. (Laughter.)"

The case was continued, and the writer does not know the result of the trial. Judge Donn was a member of the city councils and for more than 25 years a justice of the peace, holding court, during war time, at the new

central guard house when the provost guard, with the local police, often made enough work to require almost continuous sessions of his court.

Referring to the city directory, the writer found William H. Upperman & Co. in the grocery business on Pennsylvania avenue, between Four-and-a-half and Sixth streets, north side, and it was no doubt that here the egg-throwing incident took place.

JUDGE SNELL took his seat and organized the Police Court on July 11, 1870, in a room at No. 466 C street northwest, then known as the Kimmel House, and which occupied a part of the site on which the Havenner Baking Co.'s building was later erected. Judge Snell had but few appointments to hand out, for the court did not need very much help in those days, when one judge was sufficient for the work. One of the first appointees was James Hughes, who was made janitor of the building, and for his faithful services was in after years made superintendent of the present building. His son, Richard Hughes, following in his father's footsteps, is one of the court bailiffs, and has been employed here for many years. To him the writer is indebted for several of the judges' pictures, including that of Judge Snell.

Other early appointments made by Judge Snell included Alexander T. Gray as clerk, William O. Thomas and Henry Lacy, bailiffs; Edward C. Eckloff, F. C. Ravells, Luther G. Dawson, Benjamin F. Leighton and Howard Price.

By 1875 the business had increased to such an extent that it became necessary to look for new quarters and the Unitarian Church building, then on the site of the present Police Court, was purchased for \$20,000. At that time there were many private residences in the vicinity of Sixth and D streets, and some of the older and more prominent families nearby did not appreciate having the court so close to their homes, and to prevent this sought an injunction. But Janitor Hughes, acting under instructions from Judge Snell, was too quick for the objectors, and before the lawyers could serve the papers, he had moved into the building on July 11, 1878, a table, some chairs, and of course the prisoners, and the judge was trying cases. This ended the injunction; and the rest of the equipment soon followed.

THE building on C street, occupied by the first Police Court, was a very old building, having been erected prior to 1819, and used for various purposes, including a meeting place for the Odd Fellows, New Jerusalem Lodge of Masons, the Washington Light Infantry, late in the 40's, and at an earlier date it was a popular place for the circus. At the time the building was being removed, in the Summer of

1898, the writer found a reference to it in The Star of July 9 of that year, which said: "The removal of the old livery stable on C street to the rear and east of the National Hotel, between Four-and-a-half and Sixth streets northwest, which is now going on," said an old citizen to a Star reporter, "recalls to my memory when Walker's great Southern circus had its Winter headquarters there, 50 years ago. The performance was carried on for three months in the Fall and Winter after it came in from the road at the closing of the tenting season, and it was regarded as a very fashionable place to go in those days. In an amusement way, then, it bore about the same relation to the Summer circus that an opera troupe bears now to the ordinary theatrical troupe. While to all intents and purposes the performance was a circus show, there were other things added to make it more attractive, in the way of a stage performance. The stage was a folding affair, which could be pushed out of the way when the time came for the ring show. I remember seeing Joseph Jefferson and his father and mother playing in Walker's circus, as well as many others who, in after years, reached great prominence in the theatrical world. Mr. Jefferson's mother, besides playing a part in the circus, was kept busy during the day in looking after mending and restoring the circus players' costumes, while the elder Jefferson was also very much in evidence in a business way about the place. There were generally three acts in each of the plays produced there, two being on the stage and the closing act in the circus ring. It wintered in Washington for several years. The building used was originally a livery stable, and it was kept warm enough except during very cold weather, when the performance was suspended for a couple of weeks at a time. In those days the downtown hotels and boarding houses were the headquarters for Congressmen and their families, and it was handy for them to go around to Walker's circus. There were no congressional boarding houses in any other part of the city then and Southerners took a particular pride in Walker's circus, which was a strictly Southern show and rarely ever went farther North than Philadelphia. It traveled by wagon exclusively, and in its day was a very extensive affair."

ON August 5, 1905, the Police Court held its last meeting in the old church building, when it moved to the Ulke residence, on Fifteenth street, south of the Avenue, where is now the Department of Commerce. The Ulke Building was a picturesque structure, with porches covering the entire front and had previously been occupied by the Bureau of Statistics of the Treasury Department, and prior to this was the home of the Young family.

The present building, costing around \$75,000, was completed and first occupied on June 14, 1907, the cost of the equipment at that time being about \$8,000, which is almost as good an investment as the Federal Government made when it purchased Alaska back in 1867, for the fines and forfeitures turned over by the court to the United States Treasury average in recent years \$500,000 annually.

When his honor Judge Gus A. Schuidt was first inducted into office, June 21, 1923, the writer was one of those well wishers who attended the ceremony. Some days later he received a letter from his esteemed friend, saying: "Come to see me socially but not officially," and, obeying this judicial injunction, the writer did not call until a few days ago, when he was preparing this story, for he did want to see just how things were done since he practiced briefly in the old church building more than 37 years ago.

And it makes quite a difference, too, whether you call "officially" or "socially," for upon this occasion a seat was tendered him in the "East"—or perhaps more strictly speaking, "on the bench"—which, of course, was gladly occupied, after which, due to the courtesy of the presiding judge, the writer was shown over the entire building, introduced to the several judges and given an insight into the way the court business is transacted.

In his rounds of the building three things particularly attracted his attention: The inadequacy of the building—from top to bottom—the marvelous record system and the forced inhuman way in which the prisoners are crowded into the cells awaiting trial and maybe transportation to some penal institution.

THIS building could certainly have been designed and constructed to give better results than are obtained today, even admitting that the work of the court has increased overwhelmingly since the building was first erected. The stairways are noticeably deficient and apparently only suitable for a six-room dwelling. Of course, the judges are not to blame for this, since upon many occasions they have pleaded for better quarters.

To the man who likes to keep his house in order the record and file system here is equal to the best, if not better than anywhere else. It would take too much space to describe the system here, but if any one thinks he can put one over on the judge by saying he was never there before he is all wrong, for in almost less time than it takes to write it the defendant's full record can be obtained.

The condition in the cell rooms is appalling, and reminds one of the old pound where they kept ever so many dogs huddled together, except that the poor brutes were soon put to death, while these human beings have to suffer indefinite tortures of the damned—whites, blacks, old and young, all jammed together in two big cells, the District prisoners in one, the United States prisoners in another. A narrow cell for the women, not large enough for a small horse to turn around in, adjoins those set apart for the men. No wonder The Star of July 17 last editorially spoke of these cells as "Washington's Black Hole" in referring to