



# PAVAN V. PARIKH

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## *Hamilton County Clerk of Courts*

From: Jason Alexander-Manager-Central Services Division  
Re: Historical Documents Archive Binder and Courthouse Safes  
Date: August 29<sup>th</sup> 2022. Revised October 27<sup>th</sup>, 2022

### Background

In May of 2022, while attempting to locate a historic case for the Ohio Supreme Court potentially connected to Judge Alphonso Taft, we accidentally discovered that we had in our possession an original court filing from 1864 with Alphonso Taft's signature on it. This finding was considered a treasure due to Taft's prominence in our city and nation's history. Alphonso Taft was the father of William Howard Taft, the only person to serve as both President of the United States and Chief Justice of the United States Supreme Court. The elder Taft was a judge for the Superior Court of Cincinnati, along with being the founder of the Cincinnati Bar Association, and held many prominent national positions, such as Secretary of War, Attorney General, United States Minister to Austria-Hungary and Minister to Russia.

This unique find prompted us to initiate an investigation into these documents in the hope of finding more from this deficit of history brought about by social unrest in the 19<sup>th</sup> century. As we started investigating further, we had occasion to discover a treasure trove of other original and significant historical documents previously unknown to be in Hamilton County's possession. The prevailing assumption was that the majority of 19th-century government records had been destroyed in the **"Cincinnati Riots of 1884,"** also referenced as the **"Cincinnati Courthouse Riot."** According to the Ohio History Connection, this upheaval is characterized as one of the worst riots in American history. The majority of these documents are normal regular filings that you would still find in present day judicial proceedings. While all of these documents hold intrinsic value due to their age, some of them, for a variety of reasons, are more notable on historical levels as they contain signatures or are connected to prominent local, state, and national figures.

### Finding

In addition to the initial document with Alphonso Taft's signature, some other notable finds at this point in time are the following: Documents containing "Civil War Revenue Stamps;" signatures of Charles Phelps Taft, Peter Taft, Captain John J. Desmond, Clerk of Courts Thomas Spooner, Joseph Cox, and Joseph B. Foraker prior to his time as governor; a handwritten request of Judge Charles Murdock from between 1869 and 1872, as well as an original document stamped with an indication the rest of the record was destroyed in the 1884 fire. This particular document containing an original ink stamp referencing the fire will be addressed in more detail later as it is an integral piece of this investigation. To date, it appears the oldest document in our collection dates back to May 1846. These are but a fraction of what we have uncovered, and we will continue our research toward authenticating this trove as a critical collection in Cincinnati's history – or the history of Hamilton County.

What cannot be stressed enough is the fact that this office has always been under the belief that no court records survived the mayhem and destructive fire of the **"Cincinnati Riots of 1884."** This office literally did not realize anything survived the fire until the early part of 2022. These discoveries have led to a dedicated collection,

the “Clerk of Courts Archived Historical Documents.” In this, documents determined to have the greatest historical value have been placed into safekeeping in acid-free, archival sleeves within this binder in line with current best practices.

Turning our focus to the original document containing the stamp indicating the remainder of the record had been destroyed in the 1884 fire, it reads **“The original Dockets having been destroyed by fire, entries do not follow in order of dates, but as nearly so as possible.”**

It is important to note that staff have occasion to view these older records on microfilm and are sometimes accustomed to seeing this stamp or similar language handwritten on microfilmed records due to the fact that it was usually the “appearance docket page” that was the only record that was recreated after the fire. Unfortunately, fire wasn’t the only culprit implicated in the destruction of historical court records. Upon the invention of microfilm media, once these documents were converted to microfilm, it was common practice to have the original documents destroyed without any thought of maintaining the original versions due to their historical significance.

An interesting discovery was that all of these original documents are principally two types of court documents: **Entries or Orders of Satisfaction of Judgments** and **Assignment of Judgments**. This is a fascinating and instrumental piece into this investigation for reasons that I will describe below.

**“Entries or Orders of Satisfaction of Judgments”** are legal filings or orders put on record in civil cases reflecting that the court ordered judgment has been paid by a debtor.

**“Assignment of Judgments”** are filings in civil cases in which a party who has obtained a legal judgment signs over their rights to collect their civil judgment against the debtor to another party. They are essentially giving up their right to collect and “assigning” it to another party.

A common document often seen on microfilm are the **“Appearance Docket Pages,”** essentially summaries of case history. They provide party information, date of initial filing of the action, case number, and a detailed history of what filings and pleadings were filed and on what date. Many of the Appearance Docket Pages prior to the 1884 fire were recreated based on litigant and attorney copies that were tendered to the court after the fire to aid in reproducing the lost records. Therefore, the appearance docket pages prior to 1884 typically contain very limited information as the court had to rely on what the litigants and attorneys of record provided to the court.

After reviewing the surviving documents, along with the Appearance Docket prior to 1884 now on microfilm, something intriguing arose. On the Appearance Docket Pages, when the reader reached what was typically the last entry indicating the filing of an entry of satisfaction or an assignment of judgment, a parenthetical note was included, **“(see safe).”** An example of such an Appearance Docket Page with the reference to the safe will be attached as a supplement to this memorandum.

The reference to storage in a safe was intriguing enough to prompt another investigation into what safe or safes were employed in storing these records. The result of this inquiry will be addressed and analyzed in the “Conclusion” section as this is what prompted us to start an investigation as to what safe or safes that these documents once resided in and why it took this office so long to realize the existence of these important documents. Additionally, our theories as to what **“see safe”** references will also be addressed in the “Conclusion” section of this memorandum.

Another historically important piece to add gleaned from our research of Hamilton County Courthouse history is as follows. Various “Clerk of Courts” timestamps adorn these filings going back to 1857, combining those timestamps with searches of digitized newspapers via the Library of Congress and ProQuest digital collection,

enhanced by additional information obtained from various sources, allowed us to create the most comprehensive listing of past Clerk of Courts officeholders that this agency has ever possessed.

What now will be discussed is a brief history of our various courthouses. In writing this memorandum, one of my goals was to give an accurate representation of the most likely route that our oldest documents followed, starting with the oldest document currently in our possession, dated May 29<sup>th</sup> 1846.

The first home of this document was, likely, Hamilton County's third courthouse, located at the site of our present courthouse. This courthouse was constructed in 1813 and in 1849 succumbed to a fire that spread from an adjacent pork processing factory. During the period of 1849-1852, we know that court was held in an interim building at the intersection of Court Street and St. Clair Alley. Being that court proceedings were held there temporarily, one could make the assumption that this, as well as the other documents were housed there but nothing can substantiate how court records were housed. By 1853, court documents likely were transferred to the newly-completed courthouse, a structure known as the "finest building in the West." As fine as it was, this was the courthouse that would succumb to the riots and fire of March 1884. Knowing the enormity of the loss of nearly all court records in the total destruction of the courthouse, important government documents were, no doubt, held in a safe, otherwise, there is no conceivable way they could exist today.

This is further supported by a recently located brief from the United States Supreme Court involving a trademark dispute. This brief indicates that the courts, as well as various county offices, had in their possession "Hall's Safes" at the time of the fire. The following excerpts from the brief are testimonials from the Commissioners of Hamilton County, as well as other county officials, regarding the merits of "Hall's Safes" and how they fared in the fire, stating that these particular safes, **"have provided Hall's Safes for temporary offices of the county," and that "when police and engines and the militia of the state were powerless to avert the catastrophe, those silent, dumb custodians known as "Hall's Safes" performed their duty and did it well."** To further substantiate this the article goes on to indicate that the then county treasurer found a large "Hall's Safe" in the court house yard that had gone through the fire and that he purchased another "Hall's Safe." The brief also goes on to quote then Ex-Sheriff, Morton J. Hawkins, saying, **"The Hall's Safes used in the court house at the time did, to my knowledge, preserve everything claimed therein."**

From 1884 to 1886, as a new courthouse was under construction, court documents were, again, held in various locations. We found multiple general references citing court being held in law offices, the public library, a schoolhouse, and other locations around the city, but without reference to storage of legal documents. In 1887, the fifth Hamilton County Courthouse was completed and it stands to reason that the county's court documents were moved to the new facility.

This fifth courthouse was virtually the same size as the one destroyed by fire in 1884 and quickly outgrew the space serving the eighth-largest city in the United States.

In 1916 former President of the United States and future Chief Justice of the United States Supreme Court, William Howard Taft, laid the cornerstone for what is our sixth and present courthouse. Construction for this courthouse was completed in 1919 and the documents would have been placed in the new safe. We will now address our findings with regard to this "new safe" that once resided in the present Hamilton County Courthouse.

With this brief history of Hamilton County court houses that created and housed the area's legal documents, what contemporary routes did these documents likely follow?

This information was obtained based upon questions posed to members of our current staff, as well as a former member of staff, and our volunteer archivist, Jim Dempsey. Their responses enabled us to create a

composite timeline for these records, leading us to believe that some of the documents were stored in two different safes between the years of 1853 to 1884 and then placed into a third safe (new safe), the Halls' Safe.

According to Rick Hofmann, Chief Deputy of the Common Pleas Division for the Hamilton County Clerk of Courts, around the year 2000, there were extensive HVAC upgrades that took place in Room 315 of the current courthouse. In the course of this work, a massive safe had to be deconstructed and the surviving records removed from this safe. These documents were then moved to one of our storage rooms located on the fifth floor where they were kept until sometime in 2017. That year, the Clerk of Courts administrator, realizing the extremely important historical value of these original documents, instructed that they be brought to the Clerk of Courts Records Center on Winton Road, outside the city center, for safekeeping. At that time, our volunteer archivist was informed by the supervisor of the Records Center that the Clerk of Courts administrator had requested that the archivist be given access for a thorough review. Unfortunately, years have passed without such review as our volunteer archivist was inundated with projects from our agency, other county offices, and private organizations for which he donates his archival expertise.

This now brings us to 2022. Earlier this year, while working on another project, digitizing the name indexes for these historic courts, a thought occurred. What if when seeing an **“Appearance Docket Page”** that referenced a filing that had the parenthetical note of **“(see safe)”**, we attempted to see if that is one of the documents/filings that had recently been discovered? This prompted us to begin transporting a selection of these documents from our Clerk of Courts Records Center to our Archive and Preservation Center located in the basement of the Hamilton County Courthouse for further analysis and to ultimately make their return to their rightful resting place in the courthouse. Immediately, it was determined that these documents were in fact the ones referenced in the microfilmed **“Appearance Docket Pages.”** This is what has led to the creation of the first ever Clerk of Courts **“Archived Historical Documents Binder.”** At the time of this writing, our work on these historical treasures continues to reveal their mysteries to us one by one.

### Conclusion

Based upon our investigation, in the simplest of terms, these documents owe their survival to the safes that, well, kept them safe from calamity of 1884. Given all that we know about how destructive the 1884 fire was, the only logical conclusion is to assume that the only possible way that these records could have survived is for them to have been stored in a fireproof safe. Taking into account what we know about the sheer carnage of the 1884 fire, coupled with the fact that this courthouse was referenced as the “finest building in the West,” it is inconceivable to think that there was not a safe in that structure. It is also worth pointing out that at the time, Cincinnati was home to the “Mosler Safe Company,” one of the most world-renowned safe manufacturers in the world at the time. It is also very interesting to note that at this time, Cincinnati was a leading safe manufacturing city. These records were most likely kept in that safe until the completion of the present courthouse in 1919 in which they were placed into the safe that was deconstructed in or around the year 2000.

This investigation also revealed that some Hamilton County Probate Court records survived the 1884 fire. Being that some of their records survived as well as limited records under the custody of the Clerk of Courts, it has been speculated that this was due to both courts having these documents stored together in the same safe. This theory has recently been debunked as we have located a **“Cincinnati Enquirer”** article from April 1<sup>st</sup>, 1884, titled, **“The County Records,”** citing: **“The vaults in the Probate Court were secure enough to preserve the original wills, the bonds of administrators, executors and guardians and the bonds which had been filed on petition for the sale of real estate. With these exceptions the records and all the vouchers in settlement of the estates of deceased persons have been utterly destroyed. The records of marriages and inquests of lunacy perished in the flames.”** A second quote is dispiriting, stating the following: **“The County Clerk’s Office**

faired even worse. The papers in all pending suits in our State Courts, as well as the records of adjudicated cases, were destroyed. The appearance dockets would have saved endless trouble in the future, but these dockets have been destroyed to a volume. The divorce decrees and the criminal records went together. It is difficult to calculate the injury in this direction.”

Even though both quotes are of great importance and relevance, I believe that the latter quote completely underscores the unique value of what did survive and what we have at present. I think there is also another very important point to make of what is not known. We have demonstrated in this writing the various temporary structures that housed the courts during their periods of reconstruction after the fires. We have confirmed this information from various sources. What we were unable to locate is any information or citation as to where the courts’ records were stored during these various times of transition, except that soon after the 1884 fire, records were possibly stored in Mosler safes in a temporary fashion. This is exemplified by the following article from the Cincinnati *Enquirer* dated April 3<sup>rd</sup> 1884, five days subsequent to the fire detailing a communication received by Hamilton County from the “Mosler Safe and Lock Company. The message received was the following: **“Gentlemen: We take pleasure in tendering you gratuitously as many of our safes as you may require for temporary use in the various county offices until the same are again permanently located in the Courthouse. The actual cost of hauling and delivering these safes from our factory to the places designated and return is all that we shall ask the county to pay. Should you see fit to accept this offer, please instruct the various officials to call at our factory and select such safes as they may deem necessary, and we will cheerfully deliver the same.”**

The same article goes on to state that the above communication was taken under advisement. Even though we do not know if Hamilton County ever accepted this offer, as provided earlier in the memorandum by way of the United States Supreme Court brief, we of course do have record that “Hall’s Safes” were utilized on a temporary basis.

We will now briefly discuss our theory of what the term **“(see safe)”** was referencing or implying when seeing this term on the microfilmed appearance dockets that make direct reference to the original documents that survived. We propose the following theories:

- 1: When the term **“(see safe)”** appears, it could be that the clerk/scribe/volunteer in recreating the original record was indicating that the original appearance docket had the phrase **“(see safe)”** contained on it;
- 2: The court staff was obviously aware at the time that out of all of the various court filings, the only two primary types, those being the the satisfactions of judgments and assignment of judgments were housed in the safe. In recreating the appearance docket books, they confirmed that the typical filing for that particular case that should be in the safe, was in fact in the safe and them wrote **“(see safe)”** on the appearance docket page; or,
- 3: It meant both items mentioned above, that these filings were in the safe and continued to remain in the safe until it was transported to the fifth courthouse upon its completion in 1887.

Since discovering these surviving documents and realizing they were simply the satisfactions of judgments and assignment of judgments, the question remains that out of all of the various legal filings in possession of the Clerk of Courts, why were only these two types of records deposited in the safe? While we will never have a definitive answer to this, we have a very good suggestion from our volunteer archivist, Jim Dempsey that since these filings were essentially providing legal finality to these dealings, these would have been the most important documents to tender to the safes.

In bringing this to a close, we must discuss the future and what steps we are taking in ensuring that these documents survive for generations to come. Part of this plan is transpiring as this memorandum is being written. In

line with current archival industry best practices, the Clerk of Courts has obtained a “FireKing Turtle” four-drawer fire-resistant file cabinet in which we can house historically important documents. This acquisition provides the added security to our ongoing research and discovery endeavors. In the future, we hope to achieve the following two goals – enhanced document preservation with public display toward better understanding of our city and county’s history.

For B.

George D. Champlin and  
H. Bird

Plaintiff  
against

Samuel W. Walton  
Defendant

The original Tachits having  
been lost and the entries do  
not follow the order of dates, but  
as nearly so as possible.

1868 Nov 4 Order of satisfaction of judge by G. D. Champlin filed (see page)

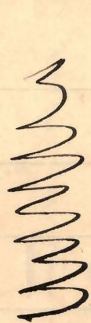


Luis D. Champelin } Superior Court  
& N. Bird

vs

Same W. Walton

No. 23328



I acknowledge

contentment in full of all my interest  
in the judgment in the foregoing cause  
the said interest being the one half  
of the claim on which suit is brought

L. D. Champelin

Nov. 7<sup>th</sup> 1868.

1868 - October term, judgment in above case for plffs. for \$518.<sup>00</sup> & interest from Oct 5/68

By satisfaction of L. D. Champelin's portion =  $\frac{1}{2} = 259.<sup>00</sup>$

leaving due the plaintiff N. Bird  $\frac{259.<sup>00</sup>}{259.<sup>00</sup> + int from Oct 5/68}$

Nov 20 1868

N. Bird atty

1/68



23528

Superior Court of Chi<sup>ca</sup>go

L. S. Champlin and  
vs Bira p<sup>l</sup>ffs

vs  
Sam'l W. Walton  
Def<sup>t</sup>

Satisfaction of  
L. S. Champlin's portion  
of the judgment leaving  
due the plaintiff \$259.<sup>00</sup>  
and interest  
from Oct 5-1868

FILED  
NOV 9 1868  
J. B. [Signature]  
CLERK