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A Brief History of Hamilton County's Various Courthouses

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The year 2022 was a remarkable year in terms of historical Hamilton County governmental records. In that year, one simple question resulted in what would be a worldwide search that lasted several months and led to the discovery of countless records that were believed to be destroyed. For all intents and purposes, the records should have been destroyed in 1884, the year of the worst of Hamilton County's three courthouse fires.

The climate and circumstances leading up to the **"Cincinnati Riots of 1884"** or the **"Cincinnati Courthouse Riot"** if you will, is rather long and complex and will not be the subject of this writing. Numerous books and articles have been written about the events leading up to the riots, the riots themselves, as well as the aftermath that ensued after that fateful night of March, 29th, 1884. After much time evaluating the magnitude and importance of these records, I felt that a brief history of our past Hamilton County Courthouses was warranted.

We started with constructing an inventory of records that survived the fire, as well as the probable, complicated, and torturous path of their survival. There have been various writings regarding our various courthouses and the riots. What has been written can be found various places on the internet and in little known and arcane publications. It is worth mentioning to the reader that Hamilton County has the dubious distinction of having the most courthouses destroyed by fire of all of Ohio's 88 counties. There have been three courthouses that succumbed to fire in the years 1813, 1849, 1884.

The purpose behind this paper is not to provide an exhaustive illustration of the rich history of our past courthouses, but rather one concise and condensed compilation of the most important facts as we know them to be. This will hopefully provide a backdrop that will lead one closer to a deeper understanding of our rich history as well as additional learning about the records that survived the 1884 fire. This riot caused fire, even in 2022, could be considered one of the worst riots in American history.

The information that will be provided in this writing has been extracted from a multitude of sources in the Hamilton County Law Library, the Ohio History Connection, the Ohio Supreme Court Law Library., online also from local court websites, as well as from various periodicals and publications that have been digitized and placed online.

The reason for this rich history resides in the fact of when Hamilton County was first established. Hamilton County was created in 1790 and was the second county to be created in the territory that comprises the present states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. The very name of "Hamilton County" was for founding father Alexander Hamilton who at the time was the first United States Secretary of the Treasury.

The court first sat for a brief session on February 2nd 1790. In May of the same year, it sat for a longer term, then at intervals, and subsequently in a continuous manner. The facilities in which those first Judges, Clerks, Constables, and juries dispensed justice were crude compared to today. The first courts were held in the barroom of a rented tavern owned by George Avery near the banks of the Ohio River.

From this tavern, located at the present location of the corner of Main and Fifth streets, one could peer out and see a frog pond in the summer and a skating rink in the winter. In front of George Avery's tavern was a public whipping post and at times, gallows. This whipping post was in place due to not having facilities to incarcerate offenders.

The year of our first permanent courthouse is unclear. Conflicting sources state that it was either built the year of Hamilton County's founding, 1790 or in 1795. Being that Hamilton County was established in 1790 and having it on record numerous times that there were rooms rented in taverns for the courts' use, it is logical to presume that the first permanent courthouse structure was likely built in 1795.

What is not in dispute and has been gleaned from multiple sources is the type of facility that was constructed and the specific location. Hamilton County's first courthouse was located in what is known today as "**Government Square**" because it is the location of the former United States Post Office building which currently houses the United States District Court.

The structure was a simple log cabin built by volunteers thereby costing the county virtually nothing. Sources agree on the description of the terrain and topography of its location. It was virtually swamp land, marshes, and of course the much talked about frog pond.

A quote taken from a 1921 publication from the **Bench and Bar of Cincinnati** titled "*History of Hamilton County Court Houses*" has the following: "Indeed, historical writers upon the old courthouse declare that judicial business was transacted to music furnished by bull frogs."

The second courthouse was constructed in 1802. This was due in large part to the rapid growth of Cincinnati as it was becoming Ohio's most important trading center. At a cost of \$3,000, this was Hamilton County's first judicial structure that was constructed of bricks into a two-story limestone building. This building had a cupola 80 feet high with balustrades across its front. In 1813, this courthouse ultimately was also a victim of fire as this structure served as a military barracks for soldiers during the war of 1812. Sources indicate that it was careless soldiers that were the cause of this fire and this courthouse's ultimate demise.

Hamilton County's third courthouse was not completed until 1819 and was built on the site of our present courthouse, Court and Main Streets. The county commissioners accepted a lot offered by Jess Hunt, grandfather of noted attorney Elliot Pendleton Hunt. At that time, this location was far removed from the then village of Cincinnati. The total construction cost was \$15,000. This structure very much reflected the design of the prior courthouse and was an example of Federal style architecture.

It is clear that some citizens were not pleased at the appearance nor the location of this courthouse. In "*Cincinnati in 1826*", published in 1827, the following statement was found, "It presents neither in its domestic economy nor external architecture a model of convenience or elegance. Its removal

from the centre of the city is justly a cause for complaint.” This, our third courthouse, in setting what would become a historical trend for Hamilton County although unbeknownst to everyone at the time, would also burn to the ground in 1849.

This fire was the result of a fire in an adjacent pork factory. A witness to the event at the time speaking in 1891 recalled the following: “The fire had been communicated to it by a neighboring pork-house conflagration on a warm summer’s day. It caught on its exposed timber roof and cupola, and soon roof, dome, cupola, spire and steeple were enveloped in flames.” The witness goes on to say that “The cupola had been a long-time home for the pigeons of the city. The old courthouse, it seems was the home of the pigeons as well as the judges and the lawyers. It was a great old courthouse and had a great history in its eventful days. Sorry to part with it.”

Interestingly, while awaiting the construction of Hamilton County’s now fourth courthouse, it would be none other than a pork packing house in which the courts and county offices would find their temporary quarters. In 1852, enough of the new building was complete to allow the courts and county offices to start moving in and making use of the facility. This building has been said to be located at the Northwest corner of Court Street and St. Clair alley and was a large four-story brick building. At the time, Cincinnati had many such facilities and had acquired the nickname of “Porkopolis.”

Our fourth courthouse, coined by some as the “finest building in the West” was not completed until 1862. As I will describe later, this “finest building in the West” would meet its fiery demise as a casualty of what is considered one of the worst mob riots in United States history. A well-known architect by the name of Isaiah Rogers was commissioned to design this new courthouse. At the time he had also recently completed the design of the “Burnett House” in Cincinnati which was then the largest hotel in the Midwest.

Cincinnatians were now determined to build a stronger structure than had been built for previous courthouses. At a total cost of \$695,253.29, they utilized more fireproof materials such as limestone, marble, and steel. This courthouse has been described as a temple-like Greek Revival style structure with features of a balustraded portico that was complemented with six massive Corinthian columns. The front of the building was finished with locally quarried limestone, known as Dayton Marble.

Iron steps that led to the second and main floor would bring one into the rotunda room. This room also served as the main criminal court room. After viewing pictures subsequent to the 1884 riot, I believe that there are enough indications that it was in this “rotunda room” in which the infamous verdict was rendered which was the tinderbox for the incitement of the mob on that tragic night of March 29th. This incident resulted in nationwide and even worldwide coverage regarding the carnage that was ensuing during this period.

This incident resulted in the Ohio National Guard being deployed with a Gatling gun in an attempt to restore order. After three days and nights order was finally restored and the end result would be 56 dead and over 300 persons injured. Then and now, it cannot be overstated how disastrous this event was. Not only in terms of injury and loss of life, but also with regard to the majority of Hamilton County’s oldest records being lost. In an article that appeared in the *Cincinnati Enquirer* on April 1st 1884, it goes on to say that “The destruction of the records at the Court-house is the most serious calamity that has occurred in the history of Hamilton County. These records embraced the whole history of local jurisprudence, and even went so far back as the Northwest Territory.”

It was not just the official court records and county records that were lost at that time, the Law Library was considered to be the finest and largest law library in the country and all of its nearly 17,000 volumes perished in the fire. It is said that due to the generosity of local attorneys and around the world, the library was able to rebuild its collection within ten years.

Until that dreadful night, this courthouse was the largest of any in all of Ohio. What is interesting to note from a recently discovered record is the climate and the fear that was gripping the city during the day before the night that the courthouse would fall. Recently discovered is an original Commissioner's Meeting Minute Book from 1884. In that, the first few pages were recreated from their minutes that survived the fire by being in the safe. With the benefit of being able to look back on what we know happened that night, the following find and revelation is absolutely chilling. The second to the last meeting minute entry from March 29th 1884 reads "That the superintendent be instructed to place the day and night watchmen in the court house until further relieved by this Board." This is a direct testament and reflection as to the "tinderbox" atmosphere that was enveloping the city and that would ultimately engulf it later that night.

Of the 56 persons killed during the mob, the most prominent was a gentleman by the name of Captain John J. Desmond. He is considered a hero as he gave his life in attempting to defend this palace of justice. Mr. Desmond was a local attorney who also served as a member of the Ohio National Guard. On the night of March 29th 1884, his "B Company of the First Regiment" was activated. As his company approached Main street, a rioter aimed a revolver at him, shooting him in the head and killing him instantly. To this day, there is one lone statue in the lobby of the current Hamilton County Courthouse and that is a statue of Captain Desmond honoring him as a defender of the Hamilton County Courthouse. To our surprise and astonishment, some of the recently discovered documents that survived the fire bear his original signature when he was signing these legal documents in his capacity as a practicing attorney.

Since the fifth courthouse would not be completed for another three years, the courts and other county officials conducted their business in various buildings during these years. We know from various newspaper reports that on April 1st 1884, county business was transacted by the Hamilton County Commissioners at the Public Library. Their first task was establishing temporary quarters for the courts and various county offices to ensure the continuity of functioning government. This is confirmed by the recent discovery of the official Commissioner's Meeting Minute Book from March 1884 in which the minutes are entirely congruent, although of course in more detail, with what the media outlets were reporting at the time.

From the *"Centennial History of Cincinnati and Representative Citizens, Volume 1, 1904"* in the interim, the first court was held in the offices of "Forrest & Mayer" at the northeast corner of Court and Main Streets. Afterwards at the Public Library, then the Albany Building on the East side of Vine Street below Fourth, the current site of the Telephone Building. Sometime later, legal business was held in the "Second Intermediate Schoolhouse Art Rooms, Superintendent School Rooms, and Newspaper Reading Rooms." This provided temporary quarters for the Clerk, Sheriff, and Judges of Hamilton County.

From the *"Cincinnati Enquirer"* dated April 3rd 1884, an article reported that the Clerk of the Board was to notify the Judges of the several courts that the Board had secured "Lytle Hall" for their use. An article in the Louisville, Kentucky *"Courier-Journal"* says that the temporary criminal

quarters were to be built in the jail yard and would be completed within two weeks' time. The Grand Jury was to assemble at the old armory near Court and Walnut Streets.

The fifth courthouse was built in 1887. It was a most arduous task to recover from the fire and build this fifth structure. The groundwork for this was in the State Legislature passing a bill creating a board of trustees which were appointed by Governor George Hoadley to oversee the construction. Architect James W. McLaughlin was employed to design this new structure. Unfortunately, this courthouse was built to nearly the same dimensions as its predecessor which meant that it didn't take long for the size of the city to outpace the size of this courthouse. To that end, this courthouse would outlive its use in serving the city in a very short amount of time.

Interestingly, the building of our sixth courthouse would be the result of the consternation and agitation that was continually present regarding the inadequacies of the jail that would lead to the construction and funding of the next courthouse. On October 2nd 1908, the Board of County Commissioners adopted a resolution for the construction of a new jail that levied a tax to support a bond issue for this purpose. The voters of Hamilton County subsequently approved this measure which allowed for a planning committee to be formed to oversee implementation.

On January 13th 1911, the same day that this planning committee was appointed by the Court of Common Pleas Judges in joint session, another resolution was introduced. Judge Stanley Struble who was then a member of the Board of County Commissioners introduced a resolution proclaiming a greater project to be implemented of not only building a new jail, but the erection of a new courthouse as well, or in lieu of that, to enlarge the existing structure.

This came at a pivotal and timely manner as the canal became abandoned as a waterway allowing for possible acquisition in creating the concept that was known as the "Canal Parkway" in which both the new jail and courthouse could be built in creating this "Canal Parkway." After years of public and civic consensus, everyone voiced their support to acquire the available property.

On September 26th 1911, the Board of County Commissioners passed a resolution regarding the issuance of bonds to the total of \$2,500,000 to fund the new courthouse and jail. With the above being approved by the voters of Hamilton County, the contract for this new construction was signed by the "Charles McCaul Co." and work began almost immediately.

On October 1st 1915, it would be none other than former President and future Chief Justice of the United States Supreme Court, William Howard Taft that would do us the honor of laying the cornerstone. In this, our sixth and present courthouse, it is more than visually evident that the powers that be at the time attempted and thus far, have succeeded in righting all of the past structural wrongs that ailed many of our past courthouses and contributed to their pattern of being susceptible to flame and fury.

This is confirmed by the recently located Commissioners meeting minutes as they are on record in desiring that the furniture be fireproof upon this building being completed. Righting these wrongs came at a massive fiscal cost as the present courthouse cost a total of \$3,022,000 to construct. This modern, and still standing center of judicial affairs was styled in a Renaissance Revival manner. This structure, with its many exterior Ionic columns, was constructed of New Hampshire granite and Bedford limestone. The Law Library on the sixth floor was regarded as the showroom of the entire

building and I can personally tell you that in 2023, the Law Library is still a hidden treasure and the gem of this courthouse.

In closing, on October 18th 1919, the sixth and still standing Hamilton County Courthouse was officially dedicated. On the day of the dedication, Senator Warren G. Harding who would go on to serve as our 29th President of the United States was on hand to deliver an address. In contrast to all of its predecessors, 100 years later, on October 18th 2019, this bastion of Hamilton County would still be in existence to celebrate its centennial anniversary. There were many dignitaries on hand to commemorate this event. In addition to Governor Mike DeWine paying homage to Harding's original speech, this commemoration would be fortunate enough to have in attendance Dr. Warren G. Harding III whose grandfather's brother was President Harding.

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