

A HISTORY OF THE JEFFERSON COUNTY COURTHOUSE

BY CHARLES B. SEYMOUR

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The Jefferson County Courthouse is a massive structure of stone situated in a two-acre lot between Fifth and Sixth streets in the City of Louisville and fronting on Jefferson Street. It is of the Classic Doric style and is one of the finest buildings in the City. As I have known it since 1851, and as a great part of my work has been done in the practice of law involving the trial of cases and the searching of records in that building, you may expect that my remarks about it will be intermingled with personal reminiscences. To my own knowledge I have added what I can learn from oral tradition, from old histories and from old directories. I take great pleasure in acknowledging information received from Charles K. Needham and Brinton B. Davis.

When I first saw the Courthouse, it was about one dozen years old; but I had no idea that it was a new building. It looked like an old ruin. It is hard for me now to realize that it was then a new building. At that time neither the portico in front nor the addition at the rear had been built. There was a flight of unsubstantial wooden steps leading up from Jefferson Street to the front door on the second floor; it was completely incongruous in its effect in combination with the rest of the building. This flight of steps rested at the sides on masonry originally intended to support a portico. The ground plan of the building was a rectangle; further description of it will be given a little later on.

I was informed that at one time the Courthouse had been west of Sixth Street, where the Jail afterwards stood, on the lot occupied by the City Hall Annex, and that the Jail had been on the Courthouse lot. No one explained to me why the change

had been made in the location of these two buildings; it seemed a strange change to me.

The history of the change seems interesting. When the town of Louisville was laid out a four-acre lot was set apart for a public square; the east line was the line of Center Street; the west line—midway between Sixth and Seventh—is the west line of the lot on which the Engine House stands; the north line is Court Place and Congress Alley; the south line is Green Street (now Liberty Street). Two successive courthouses of wood and one of stone were erected and successively found insufficient for the public business. They were built when Kentucky was a sparsely settled portion of Virginia, and before the Federal Government came into existence. In 1810 the first substantial courthouse was built in the northwest quarter of this public square. It fronted on Sixth Street—sitting back from the street. It was of brick of the Ionic style and had in front a portico supported by four wooden pillars. The jail was built in the northeast corner of this public square which is now the northwest portion of the Courthouse yard. The people of that day had a great fancy for whittling; by 1836, one of the four pillars had been whittled completely through, and the three others had been wonderfully defaced by the jackknives of lawyers and loungers.

Shortly after this brick Courthouse was built the war of 1812 came on; and as the town of Louisville was dreadfully in need of money the south half of the public square was sold out in lots to private owners. Sixth Street extended no further south than the south line of Jefferson.

In 1819 James Guthrie came to Louisville from Nelson County; and the history of his life from that time is largely the history of Louisville. By 1836 the brick Courthouse had become too small for the transaction of the public business. A lot of one acre was purchased by the City immediately east of the northeast quarter of the public square; it reached to Fifth Street; and under Mr. Guthrie's influence arrangements were made to build a new Courthouse on the present Courthouse square, which is composed of the northeast quarter of the old public square and of the acre which was bought as above

mentioned. It is said that the City Directory of 1844-45 contains a picture of the Courthouse as originally designed.

This Courthouse was to be of stone. Gideon J. Shryock was the architect. Jackknives could make no impression on it; but it met two worse enemies than the jackknives of lawyers and loungers—Jack Frost and Hard Times. It was discovered after the building had been begun, that the stone was porous and that under the severe cold of our winters and the severe heat of our summers it was disintegrating and crumbling. Beside this it was thought by the people that the Courthouse planned was a much larger building than would be needed for the public business of the City of Louisville and the County of Jefferson. At that time there was no City Hall; and the City Council and the City Court were expected to hold their sessions in the new building. They did so for years, certainly as late as the year 1851. The building got the nickname of "Guthrie's Folly." In the directory of 1858 we find this sentence:

"In 1837 the present bombastic pile of fantastic ruins was commenced, but has wisely been left unfinished."

In that very year (1858) it was suggested that by oiling the walls of the Courthouse, decay might be averted. Accordingly it was oiled. It gave me great pleasure as a boy to watch the stones drinking up the oil that was applied to them. As soon as this discovery was made plans were devised for completing the Courthouse. Albert Fink was chosen as the architect. His plan was carried out only in part; for in addition to the present building he planned a wing on the east reaching nearly to Fifth Street and a wing on the west reaching nearly to Sixth Street, with a portico at the entrance of each wing. It was Mr. Guthrie's hope that Louisville would some day become the Capital of the State, and that this building would be the Capitol. In this he was disappointed. However, on September 1, 1862, the seat of government was temporarily moved to Louisville, because the central portion of the State was occupied by General Kirby Smith's Confederate Army. The City of Louisville tendered the Commonwealth of Kentucky the temporary use of its Courthouse for the emergency. I well re-

member the sessions of the Senate in the Chancery Court room on the second floor of the Courthouse, and the sessions of the House of Representatives on the third floor in the West Room which is now the Circuit Clerk's office.

The oil did not completely arrest the decay. Cement has been applied around the building nearly one-half inch thick to check the weathering. Occasionally a fragment of stone weighing more than one hundred pounds will fall from the building. At the present time so dangerous is the path along the northwest portion of the building that boxes have been laid in the way and joined together with rope to prevent foot passengers from passing too near that wall. As a rule prudent people, when they come to the west entrance of the Courthouse as they go north, turn and go through the basement so as to avoid the risk of falling stone.

Work in building the Courthouse was done during 1838 and 1839; then it was suspended and no considerable work was done upon it until after the oiling in 1858.

So much for Jack Frost. The other enemy—Hard Times—came upon the country in the great panic of 1837. Probably it contributed as much to the early delays in building the Courthouse as did any other cause.

The basement or first story of this building suffered much from dampness. Indeed, the dampness has not been fully cured, but a few years ago the dampness was excessive and really unfitted the rooms on the first floor as a suitable place for public records. At one time an official map of Portland on paper was put in a round cylindrical box which was close and tight and was supposed to be free from dampness. This box was kept among the records in one of the first story rooms. Unfortunately the map was on paper and not on parchment. When the box was opened after a few years the map fell to pieces—the water had rotted it.

The great portico with its steps and its four solid columns is of stone. The outside walls of the main building are of stone. Passageways through the building and the rotunda are paved with stone.

The main building is rectangular in shape and extends 202-4/12 feet from east to west and 93-3/12 feet from north

to south. The core of the building is a rotunda—a vertical cylinder whose horizontal circular cross section has a diameter of 51-2/12 feet. The center of the rotunda is the center of the building. In the very middle of the rotunda was an open circular space whose diameter was 27-7/12 feet, a little more than half that of the rotunda itself. This open space extended through both the second and the third floors, so that a person standing in the very center of the first floor could see the roof immediately overhead. When I first knew the Courthouse, this opening was unguarded as to the second floor and as to the third floor. When the Courthouse was reconstructed an iron floor was laid and fixed across this opening in the second floor; and an excellent metal railing was placed around the opening in the third floor. The part of the rotunda in the third floor is supported by pillars; but the iron floor in the second story is supported by a device contrived by Albert Fink so that the lateral thrust suffices to keep up that floor including the weight of the Henry Clay statue.

In 1851, when I first knew the building, the third floor had neither been finished nor properly furnished. It was used occasionally for public speaking, and was also an arsenal and a drill room for voluntary Military Companies. The two lower floors contained rooms for the City Council, the City Court, the Chancery Court, the Circuit Court, and the County Court. No City Hall had then been built.

My first visit to any floor above the first floor was about September 1, 1854. On Sunday, August 27, 1854, a great tornado passed over what was then the west portion of the City of Louisville. It unroofed many buildings and blew down a church on Eleventh and Walnut streets, killing about thirty of the congregation. I was anxious to get a bird's-eye view of the track of the tornado. I went to the third story of the Courthouse, the highest accessible point. The Courthouse then seemed a wonderfully high building; it dwarfed all the buildings near it. Now it seems of slight height; the City Hall, the Realty Building, the Louisville Trust Building, and the Intersouthern Building [Kentucky Home Life Building], overtop it. I ascended to the third floor keeping as near the wall as possible; and when I reached the East Room I looked in.

It extended the whole width of the building and had an eastern, a northern, and a southern exposure. There was no furniture in it; the room had never been ceiled; the rafters and boards of the roof were plainly visible; and as the copper roof over this room had been torn off by the tornado and was hanging on the north side of the building, the sky was plainly visible through the roof. The tornado had broken some of the windows; and pigeons had come through the broken windows, and were flying and walking about the room. It was a scene of desolation and dreariness. The only word that fits it is the Scotch word—uncanny.

The front steps have never been the main mode of access to the building. There extended through the building along the first and second floors a passageway from north to south and a passageway from east to west, each of which was fifteen feet wide. Immediately next to the wall on each side of each end of the passageway from east to west on the first floor and on each side of the passageway in the northern part of the second floor was a flight of narrow stone steps three feet broad giving access to the story above. These steps still remain in the lower story. When the Courthouse was reconstructed, excellent iron steps were arranged in the northern part of the second story giving access to the floor above.

As the horizontal section of each of the rooms is rectangular and as the rotunda has a circular horizontal section, there are four vacant spaces in the wall immediately joining the rotunda. On the first floor these are used as offices and store-rooms for the janitor. When I was a boy there ran through the most northeastern of these four spaces a spiral stairway leading to the roof. As the iron door opening into this space in the first story was usually kept locked, few people knew of this stairway.

It is said that the reconstruction according to Albert Fink's plans was completed in 1859. My recollection is that the finishing touches were not given until late in 1860. At that time I made my second visit to the third floor of the Courthouse to hear a speech by William L. Yancey, a strong supporter of Breckinridge in the race for President against Mr. Lincoln. He spoke in the East Room. It was a splendid place

for a public meeting and a wonderful contrast to the desolate, dreary room I had seen some six years before.

Another visit I remember to that third floor was on the 30th of May, 1867. At that time Henry C. Pindell unveiled the statue of Henry Clay at the center of the second floor. Seats rising like the seats in a circus were placed at the southern part of the third floor for one hundred singers. Mr. Pindell lifted the veil and the singers sang a poem composed by George D. Prentice beginning

"Hail true and glorious semblance, thou,
Of him the noblest of our race."

I do not know that there is any survivor of the one hundred singers except myself. Surely I cannot be the sole survivor.

In the autumn of 1867, I began the study of law and since that time my visits to the third floor aforesaid have been frequent and repeated.

The style of architecture above mentioned resulted in there being on the second floor a long room on each side of the passageway at the east and the west. In 1864 the Chancery Court room was in the northern half of the east half of the second story; behind it was the office of the marshal of the Court. The office of the Clerk of that Court was in the south half of the east portion of the second story; and behind it was the office of the Commissioner and Receiver of that Court. The west half of the second story in like manner was set apart to the County Court and to the office of the County Clerk.

It will at once occur to you that the designers of this Court-house had no regard for Sir Thomas Moore's advice:

"Waste not thy house in paths."

They seemed to think that there was no need to economize space. I think, however, that the more thoughtful among them believed that some day by closing up passageways and removing partitions space might be acquired as it was needed. On December 26, 1905, the roof of the Courthouse burned, inflicting considerable damage. Among other things the thumb and a portion of the hand of the statue of Mr. Clay were broken

off; since then the loss has been replaced. A railing placed around the statue—improvised because of the fire—has been made permanent, and has given rise (as I learned since beginning this paper) to the wholly groundless rumor that the injury to the statue was a piece of vandalism.

Five years before that time the Courthouse had been remodeled because of the growing demand for space. The partitions between the west half of the passage on the second floor and the adjoining rooms had been taken away, forming the large room that is now the County Clerk's office.

The Law Library had been removed to the portion of the East Room on the third floor formerly occupied by the Jefferson Court of Common Pleas; all the Circuit Courts had been removed to the Annex, which was completed in the spring of 1901. With the exception of the County Court, no court rooms were left in the original Courthouse; all were transferred to the Annex.

It had become plain in 1900 that more room was needed; and there was a strong tendency among some members of the bar to urge the completion of the Courthouse according to the plans of Albert Fink. The consideration, however, which decided the removal of the courts to a new building of brick, fronting on the north side of Court Place midway the square and extending back half way from Court Place towards Market Street, was the noise of Fifth Street. The rattling of wheels over granite blocks produced such a racket as would have made it impracticable to hold Court near that street. That street is noisier now. It was thought that a reasonable degree of quiet was to be had in the new location; and the expense of erecting a new building was much less than would have been the expense of carrying out Albert Fink's plans as to the two wings.

As early as 1847 the Law Department of the University of Louisville gave its lectures in the basement of the Courthouse. The Louisville Law Library had four bookcases of law books in that basement room. In time that Library grew; and when the Law School removed from the Courthouse the Library went with it. When the Library grew to about fifteen hundred books the judges were desirous that it should be returned to the Courthouse. Arrangements were made that it should oc-

cupy the small room formerly the office of the Marshal of the Chancery Court. It outgrew that room; and as above stated it was given the room formerly occupied by the Jefferson Court of Common Pleas. It outgrew that room and the Courthouse, and now occupies one half of the tenth floor of the Inter-southern Building [Kentucky Home Life Building].

The old East Room is now divided up and holds one Circuit Court room, the office of the Assessor, and the office of the County Superintendent of Schools.

The room formerly occupied by the Clerk of the Chancery Court is now the Sheriff's office. The Circuit Clerk's office occupies the greater part of the west part of the third story; while the portion of the third story adjoining the middle of the south wall has been cut off by a partition and made into an office for the Commissioner of the Jefferson Circuit Court.

In 1900, when it was proposed to remodel the Courthouse, the suggestion was made that sooner or later the County judicial, revenue, and recording business must be removed several miles from Louisville—say to Beechmont; that all we could do in 1901 would be to make temporary provision leaving our successors to meet the emergency that will arise. Less than a fifth of a century has passed since the erection of the Annex, and during that time there have been filed in the Jefferson Circuit Court, ninety thousand suits and there have been filed in the Jefferson County Clerk's office, four hundred deed books. Other records have increased in like proportion. The storage of the increasing records is itself a problem, not depending on an increase of population.

When the Louisville Law Library moved out in 1912, its time to move had come. It is one thing to house 1,500 volumes; it is a different thing to house 15,000.

The architects whose names will always be remembered in connection with this stone building are Gideon J. Shryock, Albert Fink, and Brinton B. Davis. Those who know, say that the roof trusses in Mr. Shryock's work are worthy of the highest praise; and that the timbers composing them meet the high admiration of experts.

The portico is built of Bedford stone, this stone is almost pure carbonate of lime and withstands the weather well. I

learn from Mr. Needham that the stone of the original Courthouse was magnesian limestone and that from time to time salts of magnesia were dissolved from its surface by the falling rain and snow. The stones composing the four pillars of the portico were brought to the lot in rough blocks and were dressed by hand. Albert Fink was particular that each section of the pillars should lie as in its natural bed so that the horizontal plane of each section should be the horizontal plane of the stone as it lay in the quarry.

It is believed that some of the last material used in 1858 or 1859 was not quite equal in quality to some of the other material used in that reconstruction; money was getting scarce and it was impossible with the means on hand to procure the highest grade of materials towards the end of this improvement.

The arrangement of the present Courthouse shows clearly the excellence of the plans of Brinton B. Davis and the faithfulness with which they were carried out.

An item of history, well-nigh forgotten, deserves mention here. The brick courthouse was torn down in 1835 to make way for the stone Courthouse; and for four years the Circuit Court and the Chancery Court held their sessions in a rented house just east of the present Willard Hotel. But the stone courthouse was not begun until 1838; and then it was built on another lot.

The City authorities in 1835 thought that the one acre now occupied by the City Hall, the Annex, and the engine house was large enough to hold the public buildings for city and county; and they proposed to put the Courthouse on that acre. Mr. Guthrie interposed, too late to prevent the tearing down of the old courthouse. He wanted a Courthouse nearly double the size of the present Courthouse; and he wanted it in a five-acre lot. He wished the City to buy the square bounded by Green Street, Walnut Street, Third Street, and Fourth Street, and in it to erect a building patterned after the famous Greek Temple at Sunium. It is said that Mr. Shryock actually drew the plans. I have never seen these plans nor a copy of them. But early in 1836 it became plain that the City would not go to this expense. As a compromise the east acre of the Courthouse lot was bought. A map of it is recorded in a deed dated

July, 1836, in deed book TT, page 28, Jefferson County Clerk's office; and the deed contains some history of the title. Reluctantly, Mr. Guthrie had the plans changed by Mr. Shryock. This little item gives piquancy to the phrase above mentioned—"Guthrie's Folly."

There has been considerable difference of opinion as to the source from which the stone of the Courthouse was taken. I am now satisfied that it came from quarries in Indiana near Madison. The Kentucky Geological Survey Report, Volume 4, published in 1861, contains analyses of Kentucky minerals made in 1858 and 1859; among them on page 191 is specimen 1068 from Madison, Indiana, quarries used in building Courthouse in Louisville. As these analyses were made while the reconstruction of the Courthouse was in progress and attention was given to what had been done twenty years before, I think there can be no mistake. Strange to say, while the Bedford stone of which the pillars are made is almost pure limestone, containing more than 94 per cent of carbonate of lime, the old stone contains less than 46 per cent of carbonate of lime and more than 22 per cent of carbonate of magnesia and more than 21 per cent of silica. It comes from a much higher level than the Bedford stone, being 75 feet above the Dean Marble. It is splendid material out of which to manufacture hydraulic lime and cement; but it is unfit for building purposes under modern conditions.

There was no negligence in selecting the stone; for in 1838 it was the unanimous opinion of the best architects in Great Britain as well as in America that limestone containing a large amount of carbonate of magnesia was more durable for building purposes than any other limestone. Our Courthouse was one of the earliest buildings in the world to show the error of this belief. The large amount of sulphur in the smoke from soft coal accounts for the difference in durability now and in ancient times.

About the time our Courthouse was built, there was built in Great Britain the New Palace at Westminster. In 1824 the two houses of Parliament burned. The British Government determined to erect an imposing structure, and took its time about it. A century and a half before, Christopher Wren

had erected St. Paul's Cathedral using the Portland stone—an Oolitic limestone which is almost pure carbonate of lime and strongly resembles the Bedford stone used in the portico and pillars of our Courthouse. Indeed, in the list of Oolitic limestones, the Portland stone and the Bedford stone are apt to be mentioned together. But incrustations had formed on the Cathedral; and the British Government desired a more durable stone. It so happened that at Southwell in Nottinghamshire—where Sherwood Forest is, and where Robin Hood and his merry men lived long ago—there was a stone church some 800 years old which had stood the weather so well that the marks of the tools of the masons who built it could still be seen; and the British Government determined to use that stone for the New Palace, and procured it from the quarries at Bolsover in Derbyshire. The effect is told in four words at the close of a paragraph in the *Encyclopaedia Britannica*:

“This stone contains much carbonate of magnesia, is of beautiful texture and wears well in the country, but *fails in London*.”

Much remains to be said about the Annex and the fences around the Courthouse from time to time and the cannon in the Courthouse yard and the Bernheim bronze statue of Thomas Jefferson and divers historic incidents; but if I ever speak of them it will be on some other occasion. The purpose of this paper is to preserve a record of facts which might otherwise disappear from the fading memories of men.