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JUNE, 1959 — pp. 203-213

Brooklyn's Court Houses-A History ^[1]

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The Nine Old Court Houses

In the lives of most Brooklynites, Tuesday, February 28, 1865 was an ordinary day. The Civil War, already four bitter years old, still moved on its deadly path toward that quiet Palm Sunday five weeks later at Appomattox Court House where Lee and Grant would be the central actors in a solemn and uneasy meeting that would bring a fretful peace to a weary nation. Some Brooklynites, undoubtedly to escape the tedium of war talk, were debating the failure of garbage collection in Manhattan across the river. They had a *New York Times* editorial castigating the Mayor to incite them to renewed oratorical frenzy. A few more placid Brooklynites planned to attend the first annual commencement of The New York Medical College for Women. The weather was seasonably good and the long trip across the river to the Broadway Athenaeum would not be perilous that evening. Barnum's American Museum advertised a 7 P.M. performance that night of Laura Keen's "The Workmen of New York, or The Curse of Drink," a melodrama which the management hopefully characterized as a "triumphant success." No ships arrived from Europe in the Port of New York this last day of February. From Annapolis came a list of 500 Union officers who had just been released from a grueling captivity in the rebel dungeons of Danville and Richmond. Some Brooklynites found a harbinger of spring in a newspaper advertisement of the day—"Situations Wanted: Males as Gardeners."

Most Brooklynites, for this day at least, were anxious to forget Bull Run, Shiloh, Antietam, Chancellorsville, Gettysburg, Vicksburg, The Wilderness, Chickamauga and all the battles in whose settled dust more than a half-million American men lay still and entombed forever. This day-February 28, 1865-was to be a rich one in Brooklyn's history. It was to mark the inauguration of the new County Court House, a structure of which the Building Committee, in its final financial report rendered some ten months later, would say hopefully: "It will last for ages."

This Court House was no ordinary one in structure, and its construction, which spanned almost the entire internecine War, was a monument to the courage of the Justices of the Supreme Court who devoted to it so much of their energy, and to the Brooklyn City officials who planned it. It was, in fact, a triumph of steadfast purpose over the ravages of war and inflation. Virtually every contractor on the job lost heavily in the undertaking, but the Building Committee, to its credit, compensated the contractors, in part at least, for their losses.

Fully ten thousand people visited the Court House that Tuesday evening in February. The next morning *The New York Times* described the inaugural ceremonies in its Brooklyn section:

"The new Court House was thrown open for inspection last evening to all who were provided with tickets, the object being to give the ladies an opportunity to see all that was to be under the most favorable circumstances. The throng was so great, however, that the building could not be

examined with any degree of satisfaction. There were, perhaps, 10,000 persons present up to 11 o'clock. The building was brilliantly illuminated, and with flags on the pediments front and rear, presented a fine appearance, both without and within. The music was furnished by Conner's Band and the opening passed off pleasantly. To-night the admittance will be without tickets."

One the following night, Wednesday, March 1, 1865, some 20,000 people came to see the new structure. The inauguration ceremonies were gala and the *Brooklyn Eagle* editorialized expansively about the new edifice:

"Our new County Court House is now completed. Centrally located, substantially built, perfect in all its appointments, with a sufficiency of large, airy, well heated and well lighted rooms, it presents an architectural completeness not equalled by any similar public building in this country. At four o'clock the building was thrown open to the public and from that hour until after eleven o'clock it was thronged with the wealth, fashion, beauty and discriminating of our city. All appeared well pleased and went away satisfied that this magnificent architectural success had been planned and built with that extensive truest economy which sees in the best and most substantial material the really cheapest fabric. From corner stone to cope stone nothing has been done in a niggardly spirit, and yet there has been close calculation, clear headed planning, and all avoidance of anything which can be tortured into a waste of the money of the taxpayers."

This extraordinary interest of Brooklyn people in the new Court House at this uncertain crossroad in the nation's history was not without reason. For the new building, which today after 93 years has given way to the vagaries of 20th century restlessness, was both a parochial symbol and a temple of justice to the Brooklynites of 1865. It was the ninth Brooklyn home of the Supreme Court. Completed against staggering odds in a fateful hour, the County Court House had a very special meaning to the people of Brooklyn: it marked the end of a two centuries' old struggle to house the Supreme Court in suitable surroundings of quiet dignity. The struggle began in the Brooklyn of Sir Thomas Dongan in 1683. As we know now from the vantage point of hindsight the struggle did not end on February 28, 1865. Time and tide wait for no man. The great changes in the American scene in the intervening 93 years since the inauguration of the Court House may yet find a parallel in the history still to be written.

The Court House of 1958 is the tenth one to house the Supreme Court in Brooklyn. The story of the nine old Brooklyn courthouses is, in a broad sense, the history of Brooklyn across two dynamic centuries. It is a story of indomitable courage, in which Brooklyn, its people, and its institutions moved forward with America on her irresistible march to world supremacy.

The story begins on St. Patrick's Day in 1668 when the first Supreme Court case was tried in Brooklyn's first Court House at Bath Beach in the Town of Gravesend, in the Sheriff's Province of Yorkshire.

The First Court House

"The Common Law is not a brooding omnipresence in the sky, but the articulate voice of some sovereign or quasi-sovereign that can be identified," wrote Mr. Justice Holmes in a notable dissenting opinion in 1916. This system of law (which Sir Winston Churchill with rare insular pride calls "The English Common Law") was almost five centuries old in 1668 when the English in the Town of Gravesend permitted the erection of the first courthouse at Bath Beach. This might not have been the first courthouse in point of time in Brooklyn. But it was the first structure here where the common law was to find a home. This common law, one of the priceless glories of the English speaking world, was given its birthright and its destiny by the Plantagenet King Henry II, who came to the English throne in 1154 in an age when temper was violent, not with decadence, but with vigor. Now, 514 years later, this first courthouse was the symbol of British supremacy in Brooklyn. It marked dramatically the subjugation of the Dutch four years earlier.

But why Gravesend? The Governor, Sir Edmund Andros, was no fool-politically at least! Flatbush, Flatlands (Amersfoort), Bushwick (Boswyck) and Brooklyn were Dutch. Gravesend alone was English. It was as simple as that.

Three judges sat that St Patrick's Day in 1668 when the first case-*Peter Faltus v. Nicholas Jenner*-was called on the calendar. Faltus (pleading in that mystical language which is still the stock-in-trade of the bench and bar of 1958!) claimed that Jenner "tortiously" took his farm cart and tools. With a readiness not notable in modern litigation, counsel answered "ready" on the first call of the calendar. The case was tried that day and three judges (Hubbard, Van Ruyven and Betts) gave judgment to the plaintiff Faltus for \$50.00 and full cost-6>.

The Court House at Gravesend proved highly unpopular. Transportation was uncertain and often perilous. For years lawyers protested the inaccessibility of the Gravesend Court House. Sir Edmund must have noted that this protest-in America, at least-was a harbinger of the things that might be expected from these independent colonists. The protests were unheard. Then in 1683-two years before Charles died of apoplexy and the tormenting ministrations of his doctors-Sir Thomas Dongan replaced Sir Edmund Andros in New York. Dongan was patient; he had a keen sense of fairness and he was an admirable administrator. He recommended to the Duke of York the building of a new courthouse. Kings was now a County and Flatbush was its county seat. The Duke gave his consent. The new Court House might now be erected.

The Second Court House

In the Spring of 1686 the new Court House was built in Flatbush. It was a small building of sturdy construction. Its site was "Court House Lot," a phrase that was to be a household word for the next century and a half in Brooklyn. The site was on the west side of Flatbush Avenue near Snyder Avenue.

In the area of the Court House a jail was erected. It was, according to critical contemporary appraisal, a grim and foreboding structure. More artistic, and certainly better maintained, were the stocks that were built in the foreground of the Court House. Their presence was accepted by the citizens of 1686 with about the same enthusiasm as the people of Brooklyn in 1958 have given the parking facilities in the foreground of the new Court House! In any event, the stocks served a useful purpose: they quieted the nagging tongue of many a shrew.

In time the Court House proved inadequate. The colonies were coming of age. Population, aided by some immigration, increased; so did the Court's business. But money was scarce. Providence intervened one cold winter night in 1757. A fire demolished the jail, and the Court House proper narrowly escaped destruction. The conflagration served its purpose; the county fathers decided finally on the erection of another courthouse.

The Third Court House

In 1758, the third Brooklyn Court House was completed This time it was a two-story affair. Admittedly, it could not be compared favorably with the courthouses of Boston and New York. But it was comfortable and, for a time at least, adequate. It cost all of \$2,240.00 to build, but this somewhat astronomically high price was justified in terms of the large size of the building.

This third Court House housed the Court, county offices, and the ever present criminals! The jail proved incarceration-proof; no criminal could be willingly contained within its walls. The vagaries of the fleeing felons proved a constant subject of humor along the Flatbush Avenue of those days.

Sometimes the building was used as a town hall, sometimes as a community center. In 1776 the invading British, with their Hessian compatriots, put a stop to all this. They occupied the building, made it their seat of military justice, and taxed it beyond its expensive fabric.

The Fourth Court House

After the convulsive American Revolution was ended, the Third Court House in 1783 was rededicated to its pristine use. But by then the building was in a state of disrepair. As is often the case, the period immediately following the war brought new increases in population and renewed business activities. This post-war period witnessed also the mushrooming of many Kings County Townships. So, again reluctantly, it was decided that the old building must go! It was bought at auction for seven pounds by Michael Van Cleef. He demolished the building and he made a nice profit on the resale of its timbers. The Fourth Court House was not only well constructed but it had the added virtue of beauty. It was a wooden two-story structure, measuring 100' by 100'. It, too, was built on Court House Lot. It had red clapboard with white trim, two chimneys, a cupola, a belfry, and a weather vane. Its lawns were neatly trimmed and enclosed by an attractive white picket fence. There remained (until 1800 anyway) the forbidding stocks and the whipping post.

On one side of the Court House was Van Buren Tavern, a favorite meeting place for lawyers, court attaches, and perhaps sometimes for judges as well.

This Court House was built to conform to one tradition, at least. No persons could safely be kept within the cells of its jail.

As the century closed its last weary chapter the Town of Brooklyn was at last more populous than the Town of Flatbush. Brooklynites pleaded for a transfer of the county seat and the Court House to Brooklyn. In 1826, in a masterful compromise, the New York Legislature gave Brooklyn the right, at long last, to have its own courthouse but the county seat was to remain in Flatbush. Prescient, perhaps, were the Legislators! Five years later Providence-again in the form of a ravaging fire-was to send a deus ex machina that would resolve forever the conflict of the two competing courthouses. In November, 1832, the Flatbush Court House burned to the ground. The tragedy of this conflagration was intensified by the failure of the new goose-neck type pump that the Flatbush Volunteer Fireman had just bought from far away New Haven, Connecticut. The Fire Chief, John J. Vanderbilt, was not to be found anywhere on the night of the great fire. His firemen filled their leather buckets with water from a nearby duck pond. The pump's mechanism was fouled with the muddy water from the pond and the building burned inexorably while the firemen and the bystanders stood by in helpless desperation.

With the demise of the Flatbush Court House, the geographical destiny of the Supreme Court in Brooklyn was determined once and for all. Flatbushites disconsolately saw the Court House Lot disappear from their environs forever. Only its illustrious story remains now in the records of those days.

The Fifth Court House

Brooklynites did not wait for Providence to intervene! With the Legislature's blessing, the Town of Brooklyn opened its first Court House in January 1827, just after the Court's Christmas recess. Having no appropriations with which to build a new courthouse, the Town fathers did not wish to risk legislative rescision of the building privilege they had fought so valiantly and so long to obtain. Speed was essential. With this in mind, the Town of Brooklyn rented the Apprentice Library, a modern three-story brick building on the corner of Cranberry and

Henry Streets. This building was revered by Brooklynites. Its cornerstone had been laid by Marquis de Lafayette in 1825, when the great French patriot visited Brooklyn. The Apprentice Library was not just a library. It was a community house, a recreation center, and a bit of a museum. Lecturers frequently spoke from its rostrum. This Court House had one great advantage. It was in the center of the Town of Brooklyn's busy commercial life. In 1833 the population of Brooklyn was 20,000 people, most of whom lived near the Fulton Ferry, not far from the Court House. The Supreme Court occupied only the ground floor of the Apprentice Library.

The Sixth Court House

In 1838 the Town of Brooklyn moved its courts from the Apprentice Library to Hall's Exchange Building, on the southwest corner of Fulton and Cranberry Streets.

On the first floor of this building Bokee & Clem's Hardware Store did business; on the second floor, the Supreme Court was housed.

The Supreme Court remained in Hall's Exchange Building for nine years before making its next move in what appeared to be an endless search for decent quarters.

The Seventh Court House

Fire, which seems to have dominated so much the Supreme Court's early struggle for permanent facilities, narrowly missed the Court in 1848. On September 9 of that year, Hall's Exchange Building was gutted in a great conflagration that started on a Saturday evening in an upholstery shop on Fulton and Sands Streets. Acres of land in Brooklyn's most heavily populated area were ravaged by this fire. Only the demolition of buildings on the periphery of the conflagration saved Brooklyn from a total disaster. Marines from the *U. S. S. Carolina*, in drydock at the Naval Shipyard, did the demolition work!

The Supreme Court had fortunately moved in 1847 to newer quarters. This time in the Raymond Street Jail. But even in those days the Jail was a dark and forbidding building! The move proved almost disastrous to the fortunes of the Supreme Court. Cramped for space again, and with the morale of its administrative personnel disturbingly low, the Supreme Court was on the move again. In 1849—two years later, the facilities of the Court were transferred to the new Borough Hall Building.

The Eighth Court House

The eighth home of Brooklyn's Supreme Court was known popularly in its day as Brooklyn City Hall. In its time (and for decades afterwards!) this building could boast of extensive office facilities. At first the Justices of the Supreme Court were convinced that at long last they had found a permanent home. But it was not to be. Soon a long list of inferior courts, county departments, boards and commissions were to find a haven in the Borough Hall Building.

For the next sixteen years the Supreme Court was to be again ill-housed. America was in the midst of a profound technological revolution. New inventions, new optimism, new strides in population—all combined to bring dramatic and profound changes in the United States and in Brooklyn. The Justices of the Supreme Court, with the enthusiastic support of civic leaders, pressed vigorously for the erection of a large and permanent home

for the Court.

On January 18, 1853 a Committee was formed for this purpose. Then on June 30, 1853 the Legislature authorized the City of Brooklyn to borrow \$100,000 to erect a new Court House. At once there followed frenetic lobbying by sectional Brooklyn interests for the selection of different local sites for the Court. Vanderbilt Avenue, between Baltic and Butler Streets, was first selected. Then the pressure groups renewed their determined attacks on this site and on October 10, 1855, the selection of a site and the formulation of the building plans were indefinitely postponed.

Now a great groundswell engulfed the United States and threatened the nation's very foundation. Secession became an increasingly ugly threat. To preserve any interest in a new Court House in the violence of the years 1855-1859 was a seeming impossibility. But the Justices kept their faith and with renewed spirit fought on. In July 1859 a Special Committee was appointed to review and report. The Legislature was again petitioned for authority to borrow for the erection of a new Court House.

At length a new site was chosen and the new ground was purchased. The site was the present one, a plot of 140' x 351', and the purchase price was \$70,000. Mr. John Schenck owned the land. On it was Dufflon's Military Garden. It was now March of 1861. Before the architect's plans were received, the Civil War had become a frightful reality and with it, of course, there came the deadly serious possibility that this new Court House would have to await the outcome of the terrible fratricidal struggle that was about to paralyze the North and the South.

The Ninth Court House

Twenty nine sets of plans for the new Court House were received by the Clerk of the Board of Supervisors on June 25, 1861. On June 27, with incredible speed, the Committee on the Court House, awarded "the first premium" to the architects G. King & Teckritz. The prize was \$250.

The architect's plans were perfected August 6, 1861. Bids were then published and the contract awards were promptly made. Ground was broken in October, 1861, although the exact date and the ceremonies, if any, remain unnoticed in contemporary newspapers. The corner stone was laid on Tuesday, May 20, 1862. The Grand Lodge of Free and Accepted Masons of New York led the impressive ceremonies. There were brief speeches by ubiquitous politicians. Eight thousand people watched as copies of Brooklyn and New York newspapers, reports of the Nassau Water Department and other agencies were deposited for posterity in the corner stone of the building. On that day, May 20, 1862, *The York Times* carried the hopeful headline "Our Army Less Than Ten Miles from Richmond."

The new Court House was scheduled for completion in 1863. That target, of course, could not humanly be met. As it was, only by the extraordinary patience and diligence of The Building Committee was the Court House completed and equipped in early 1865.

For the intervening ninety-three years the Court House would continue to serve the administration of Brooklyn justice. Appomattox came a few weeks after the dedication ceremonies. Other wars would follow-the Spanish-American, World Wars I, and II, the Korean War-and the face of America in these ninety-three years would be literally transformed. From a nation almost destroyed by a brutal internal conflict, the United States with a vigor and speed unparalleled in the history of mankind would become the leading power in the world. In all these metamorphoses Brooklyn and her Court House would participate. Only these vast changes in Brooklyn population and the volume of the Supreme business would render this historic Ninth Court House inadequate. Its destruction will mark the end of a rich and colorful epoch in the history of Brooklyn.

Epilogue

The Tenth Court House is the new one which is dedicated today. The Justices of the Supreme Court think of it as the ultimate in court facilities. So, doubtlessly, do all who have in any way been responsible for its construction. But history points to the pitfalls of prophecy. The cornerstone of this new building may well be indestructible. The future of this building and the dreams of its architects will be resolved, however, by the course of human events. No one-certainly no one in this age-can predict what course those events will take.

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Footnotes

Footnote 1: An article prepared by Wm. Mattison in connection with the dedication ceremonies of the new Supreme Court building in Brooklyn on January 5, 1959. The author acknowledges the assistance of Eugene A. Healy, Brooklyn Supreme Court Librarian, in the preparation of this history.