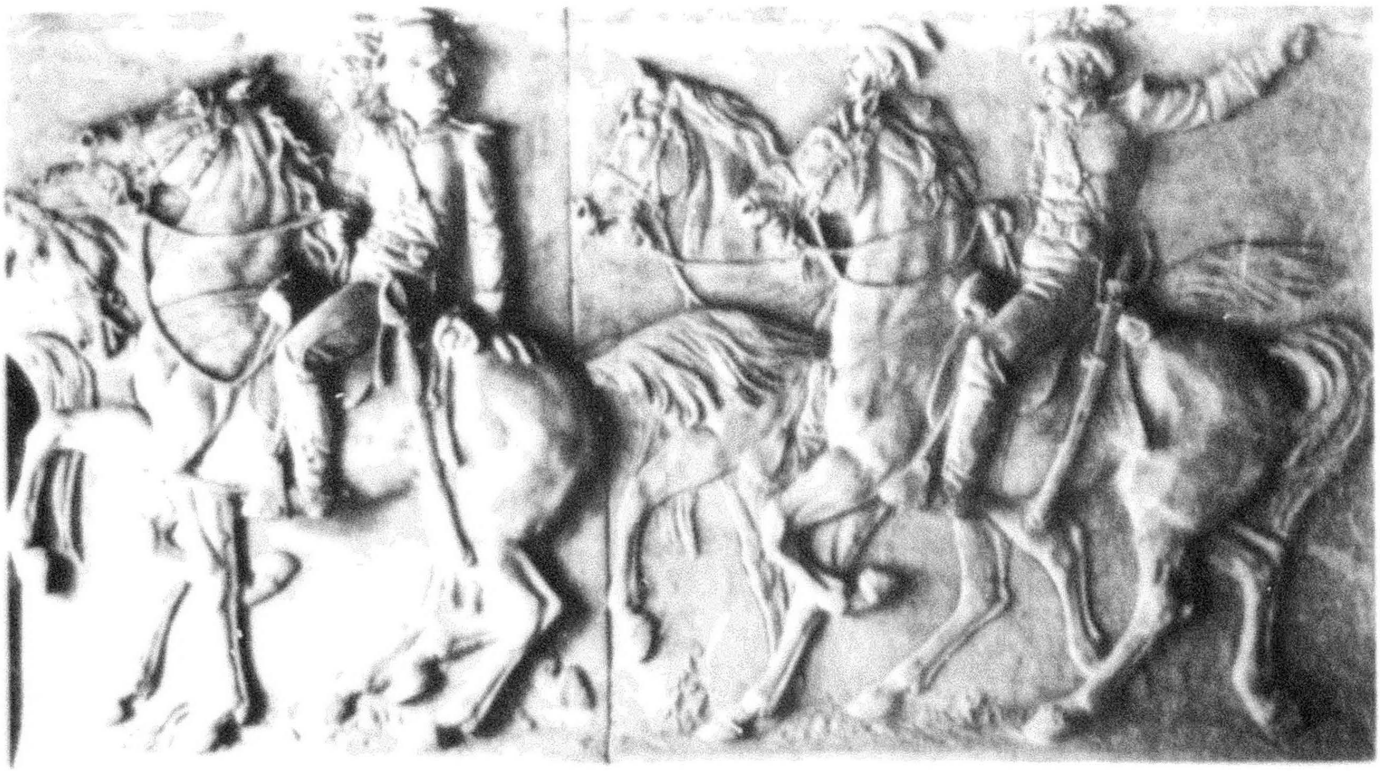
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A PARK HISTORY



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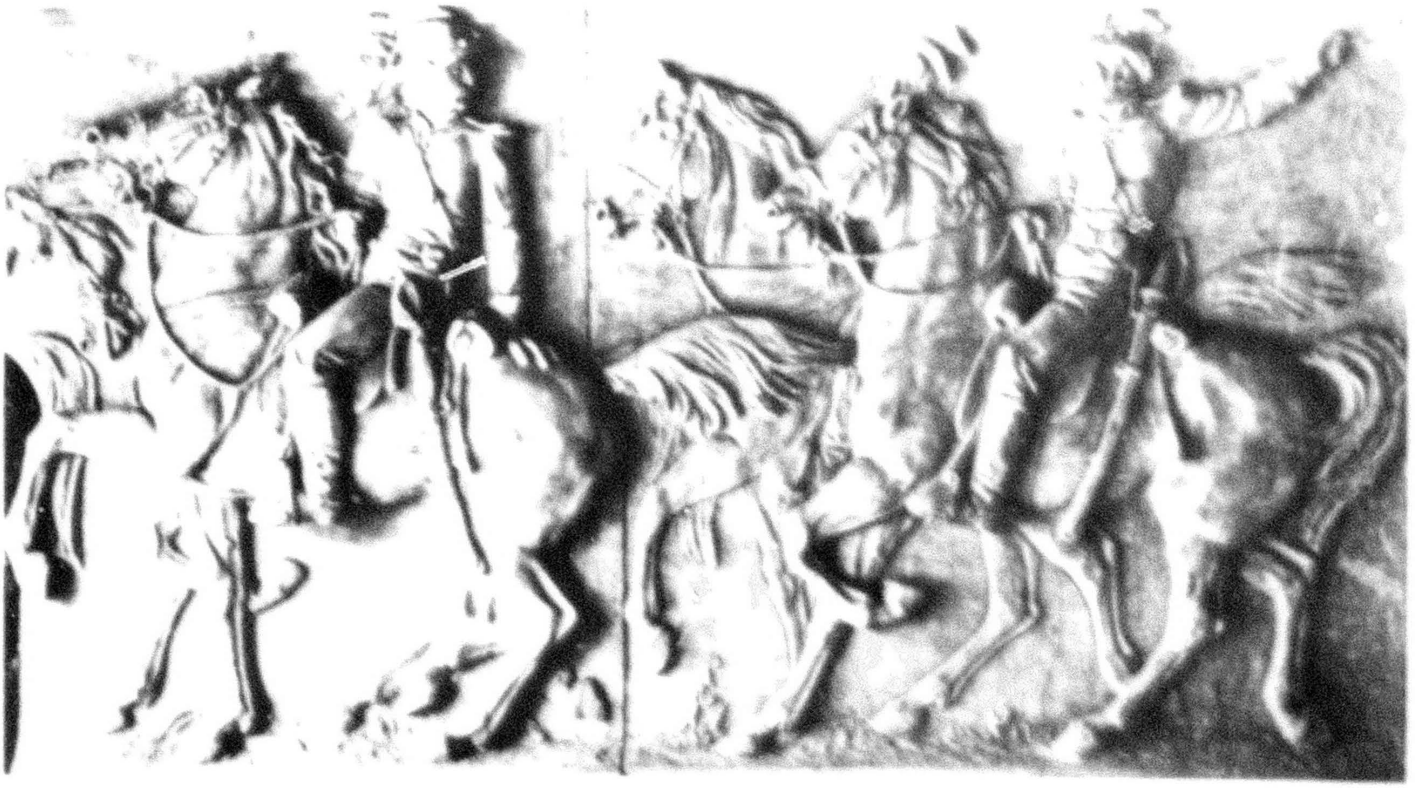
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Judiciary Square, Washington, D.C.

A PARK HISTORY

by

Joan H. Stanley



DIVISION OF HISTORY
Office of Archeology and Historic Preservation

JULY 1968

National Park Service

U.S. Department of the Interior

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PREFACE

This report, prepared in answer to RSP #CNCP-H-9, is a narrative of the uses to which Judiciary Square has been put since the time of the establishment of the National Capital, the historical events which have taken place in it, and its legal, administrative, and physical history. Its purpose is to aid in the interpretation as well as the management of the park.

While many persons have provided very helpful assistance, a special word of thanks is due Mr. Donald Lehman of the General Services Administration, who allowed this researcher to consult his notes on the history of Judiciary Square.

INTRODUCTION

Judiciary Square, a tract of land over 18 acres in area bounded by Fourth and Fifth Streets and Indiana Avenue and G Street, N.W., in downtown Washington, was one of the 17 public reservations set aside by the founders of the city. It was originally an undivided and virtually empty block of land marked out by the surveyor in farm land owned by David Burnes.[1] In the course of the 19th century, the reservation underwent considerable improvement. It became the setting for several important municipal and Federal government buildings, and was also one of the city's major parks in the late 19th and early 20th centuries. What were then park drives extending E and F Streets through the park became city streets in the 20th century, and the construction of several new court buildings in Judiciary Square took up large parts of the park lands; the addition of parking lots altered the park still more. Even so, it provides the buildings standing in it with quite spacious

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1. John Clagett Proctor remarks that "According to the plan of Washington, showing the holdings of the original proprietors, this area appears to be just inside the boundaries of the David Burnes tract" (Proctor, "Landmarks Linked with Judiciary Square Court Site," Washington Sunday Star, August 30, 1936, p. F-2). Cf. the King Plats (1803), published by the U.S. Coast and Geodetic Survey in 1888.

grounds, graced by tall elms and other trees, statues, walks, expanses of lawn, and shrubbery, which form park-like areas between and around the buildings, unifying at least the two segments of the park south of F Street. (The old Pension Building in the segment north of F Street stands alone.) The present dual personality of Judiciary Square is nothing new--the square has long been both the setting of governmental buildings and a park--but the balance between these roles has shifted, so that now the buildings seem to define the character of the whole square.

Over the years the care and maintenance of the grounds in Judiciary Square have been the responsibility of a number of different government offices. Like all the early public reservations, Judiciary Square came originally under the care of the three Federal Commissioners appointed in 1791 to lay out the Federal city. In 1802 the Commissioners were replaced by the Superintendent of Public Buildings, and from him direction of the public reservations passed in 1816 to the Commissioner of Public Buildings. When the Department of the Interior was created in 1849, with direct control over the parks in the capital, the Commissioner of Public Buildings was made responsible to the Secretary of the Interior. In 1867 the duties of the Commissioner of Public Buildings were given to the Chief Engineer of the

United States Army, who designated an Officer in Charge of Public Buildings and Grounds. In 1925 Congress created the office of the Director of Public Buildings and Public Parks of the National Capital, an independent office responsible directly to the President. This was made part of the National Park Service, Department of the Interior, in 1933. The division responsible for the parks in the capital became known as National Capital Parks in 1934, and as the National Capital Region in 1962. Each of these offices in turn governed the Judiciary Square grounds, together with the other public reservations, while responsibility for the maintenance of buildings constructed therein rested with the government agencies which constructed them.

The need for sites for government buildings and the desire to endow Washington with beautiful parks have both shaped the history of Judiciary Square, but the balance between these purposes has varied. In fact, the abiding question in the history of Judiciary Square is how its several uses can be harmonized. In the 20th century the Park Service, the D. C. courts, the P.W.A., the General Services Administration, and the D. C. highway department have all had some degree of control over the square; and part of the interest of its recent history is to see the

interplay between the offices involved. The history of the square is further complicated by problems which have impinged on the square from outside. Such problems have been the lack of proper recreational space in the neighborhood, which made the lawns of Judiciary Square the local ball field, and the general failure to plan for downtown Washington's ever increasing parking needs.

CHAPTER I. From L'Enfant to the Civil War.

Early Intentions as to the Use of Judiciary Square

The history of Judiciary Square reaches back to the early 1790's, when Major Pierre Charles L'Enfant created the design for the Federal city on the Potomac. L'Enfant intended the piece of land we call Judiciary Square to be the site of the Federal judiciary.[1] We are told that Washington and Jefferson designated it as Judiciary Square,[2] and certainly this name was current in 1801, when it was used in a report from the Commissioners of the Federal district to President Jefferson--long before a courthouse had appeared on the reservation.

While L'Enfant's recommendations as to the use of the public reservations were influential, they were not binding. The ultimate decisions were made by the President and the Commissioners of the Federal district in the early years and by Congress later. The U.S. Supreme Court was never

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1. The Report of the Commission of Fine Arts, January 1, 1935-December 31, 1939 (Washington, 1940) remarks, "We learn from L'Enfant's Memorial, addressed to Congress on December 7, 1800, that he intended the third coordinate branch of the Government, the Judiciary, to be located there" (p. 13).

2. John Clagett Proctor, "Landmarks Linked with Judiciary Square Court Site," Sunday Star, August 30, 1936, p. F-2.

placed on Judiciary Square, though the U.S. Circuit Court for the District of Columbia was. Various other uses of the square were sactioned. Apparently the President and Commissioners replaced L'Enfant's original idea for the use of the square with new ideas very early--certainly before 1802. In that year the Marshal of the District had a Washington County jail erected on Judiciary Square, with the approval of President Jefferson. (This had been directed by Congress, which did not, however, specify the site.) The correspondence of the Marshall, Daniel Brent, with the President shows that this was done in accordance with the city plan then in use. He does not name the plan in question, but simply calls it "the printed Plan of the City." Perhaps he meant by this the engraved plan that Andrew Ellicott had prepared after L'Enfant's dismissal, using L'Enfant's original plan and incorporating certain changes and corrections. Brent's description is as follows:

> I have thought the Ground I pointed out to you, as laid down in the printed Plan of the City for the Court-House, Jail and Gardens, consisted of three distinct Squares & were intersected by the Streets E & F; but Mr. Munroe [Thomas Munroe, Superintendent of the Public Buildings] informs me that it is one entire appropriation, and that no Street in the real Plan of the City passes through that or any other public appropriation . . . .[3]

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3. Letter, Brent to Jefferson, June 26, 1802, published in Samuel K. Padover, ed., Thomas Jefferson and the National Capital (Washington, 1946), pp. 275-76.

The Ellicott plan shows two buildings in the southern two-thirds of the square, while the northern part is empty; conceivably these correspond to the courthouse, jail, and garden mentioned by Brent. The Ellicott plan differed from L'Enfant's original in its depiction of buildings on the square; the latter (as reflected in a copy made by the U.S. Coast and Geodetic Survey in 1887) shows a building or buildings in the northern two-thirds of the reservation. Ellicott followed L'Enfant in concluding the southern end of the square in a curve, but the shape of the reservation, like its purpose, had changed by the time the King plats of the city were completed in 1803; in the King plats and all subsequent maps Judiciary Square is rectangular.

The First Authorized Buildings in Judiciary Square

During the first six decades of the nineteenth century, Judiciary Square, like the city of Washington in general, developed slowly and somewhat sporadically. This was especially true with regard to the City Hall, which was begun in 1820 to house the Board of Aldermen and Common Council, the Mayor, and other officials, but not finished until 1883, by which time it belonged to the Federal government; but it was true also of the grading and

improvement of the Judiciary Square grounds: the gully which ran across the reservation was not filled in until the 1850's. On the other hand, various important needs of the city were met through the construction of public buildings in Judiciary Square during those decades. The square was put to use initially for the most lowly buildings of the local government, a poorhouse and a jail, both of which were soon outgrown. While the square continued to house the Washington jail into the late 1870's and early in the century was even called the "jail lot,"[4] it soon gained other functions, ones more favorable to the growth of the neighborhood. The character of the square changed when the City Hall (housing both the city government and the Circuit Court) and the Washington Infirmary were established in it. And if most of the buildings erected in Judiciary Square in this period were modest structures, the handsome though perennially incomplete City Hall symbolized the ambition of the city fathers to create a metropolis worthy of being the national capital.

Buildings in Public Use around 1801

In 1801 Judiciary Square was an undeveloped tract of public land, virtually empty except for the shanties of the

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4. James Croggon, "Old Washington Judiciary Square--Part II," Washington Star, May 10, 1913.

Irish laborers employed to construct the public buildings. These shanties stood in the southeastern part of the reservation and on the slope to the south.[5] There was also a frame building which had been erected by the city Commissioners as a hospital for laborers; this was purchased for $400 in 1801 by the levy court for the county of Washington to serve as the county poorhouse, which it remained for a number of years. (A notice of its being for sale appeared in the National Intelligencer, June 6, 1815.)[6] There was

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5. See two articles by John Clagett Proctor in the Washington Sunday Star: "Judiciary Square in Its Earlier Days," February 15, 1931, and "Landmarks Linked with Judiciary Square Court Site," August 30, 1936, p. F-2. An enumeration of houses in the city of Washington made in November 1801, accompanying a memorial sent to President Jefferson by the Commissioners of the Federal district December 4, 1801, indicated that there were six wooden houses on Judiciary Square. See Padover, Thomas Jefferson and the National Capital, p. 252.

6. See Wilhelmus Bogart Bryan, A History of the National Capital (2 vol. New York, 1916), 1, 541. Washington County comprised that part of the District of Columbia which had been ceded to the Federal government by Maryland, while Alexandria County was the portion ceded by Virginia and later returned to it. The incorporated city of Washington, located wholly within Washington County, was declared exempt from taxation by the county in 1804, and thereafter had to provide separately for such services as the care of the poor. Until the construction of a city poorhouse in 1809, the city maintained the poor by the contract system, paying for their board and lodging, or, when this was not possible, by sending them to the county poorhouse.

another building in public use at this time which stood in Judiciary Square, or nearby, for in recalling Washington as it was around 1800 Christian Hines mentions "an old barn or tobacco house," covered with clapboards, "which stood pretty near to where the City Hall now stands," and in which "prisoners were confined until they could be removed to a place of greater security."[7]

The 1802 Jail

The role of Judiciary Square as the "jail lot" began in 1802-03 with the construction of the Washington county jail in about the center of the reservation, just north of the line of E Street. In an act of May 3, 1802,[8] Congress directed the Marshal of the District to cause a jail to be built, with the Presidents' approval, in the city, and appropriated $8,000 for the purpose, making an additional appropriation the next year. (The full cost was $11,702.) President Jefferson directed the Marshal, Daniel Brent, to invite George Hadfield, an English architect who had for a

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7. Hines, Early Recollections of Washington City (Washington, D. C., 1866), p. 95. This was not the "McGurk jail" of the same period, which stood near Judiciary Square on the north side of C Street, east of Sixth Street, for the latter was a brick building. See clippings concerning McGurk Jail in vertical file, Washingtoniana Room, D. C. Public Library, under "Jail--1788--1804."

8. U.S. Statutes at Large, 2, p. 195.

short time served as Architect of the Capitol; to design the jail. Hadfield did so, and Jefferson himself took an interest in the work.[9] The jail was placed in Judiciary Square in accordance with the printed plan of the city then in use by the District government.[10] It was a two-story brick building, 100 feet long and 21 feet wide, having in one end the apartments of the keeper's family. The prisoners were a very mixed lot, including persons being held for trial, convicts, insane persons, runaway slaves, debtors, and some corporation prisoners, all under the charge of the Marshal of the District. Provision was made for separating the debtors from the other prisoners,

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9. A letter, Brent to Jefferson, August 3, 1802, reveals that Jefferson specified the sort of grillwork which should be used on the windows, and perhaps gave Brent directions as to other details. Letter in Padover, pp. 279-80.

10. Brent mentions the plan in letter of June 26, 1802, to Jefferson, remarking on the exact location of the jail: "I have thought the Ground I pointed out to you, as laid down in the printed Plan of the City for the Court-House, Jail and Gardens, consisted of three distinct Squares & were intersected by the Streets E & F; but Mr. Munroe [Thomas Munroe, Superintendent of the Public Buildings] informs me that it is one entire appropriation, and that no Street in the real Plan of the City passes through that or any other public appropriation: . . . upon examining the Ground on yesterday, I found by placing the Jail in the center of the supposed Square from east to West, and forty feet from E Street that it will be thrown into low Ground, whereas, as no Street passes through the appropriation, by fixing the front upon a line with E Street, we shall have excellent Ground." (Padover, pp. 275-76.)

but the jail was crowded, unsanitary, and foul, and until about 1816 there was no enclosed jail yard in which the prisoners could exercise. During the 1820's, however, the plight of the debtors was ameliorated and the crowding of the jail somewhat relieved.[11] The jail was improved in 1826-27, thanks to a Congressional appropriation of $5,000 to alter and repair it and make it "a suitable, convenient, healthy and comfortable prison."[12] A few years later a wall was built around the jail. In its improved form the E Street prison carried on until 1840, despite its acknowledged inadequacies.

Construction of the City Hall

In the fall of 1814 the desire to provide a permanent home for the local government of the capital city became "very general," and the citizens "resolved to build a city

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11. In 1823 the circuit court granted a public demand that the prison bounds be enlarged, making them the same as the bounds of the county. This arrangement, not uncommon in New England and Michigan at the time, enabled debtors to earn money with which to pay off their debts. Imprisonment for debt was limited during the same year, and in 1828 a penitentiary for convicted criminals was opened elsewhere in the city. See Bryan, 2; 91, 93. For a description of the deplorable state of the jail, see Register of Debates in Congress, 19th Cong., 1st sess., March 1, 1826, pp. 1480-81.

12. U.S. Stat., 4, 178.

hall."[13] In view of the city's very modest financial resources, the corporation of Washington adopted a common expedient of that time and on February 23, 1815, authorized a lottery to raise money for the city hall (and for two schoolhouses and a penitentiary as well). Some time later a "Grand National Lottery" was advertised, and the Board of Aldermen and the Common Council authorized the mayor to invite plans and specifications for a City Hall to cost $100,000, the prize money for the best and second best plans to be paid out of the City Lottery Fund; the mayor's advertisement appeared in the National Intelligencer, April 7, 1820. The architectural plans adopted were those of George Hadfield.[14] Apparently he had submitted a plan two years earlier, without estimate of cost, which was rejected when it was found that the building would cost

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13. F. Regis Noel, The Court-House of the District of Columbia (2nd ed., Washington, 1939), p. 7. See also William Tindall, "Homes of the Local Government," Records of the Columbia Historian Society, 3 (1900), 281-83.

14. After working on the Capitol and planning the 1802 jail, Hadfield had designed the Arsenal and Commodore Porter's house; he went on to design the Branch Bank of the United States (1824) and "Arlington," the home of G. W. Parke Custis and later Robert E. Lee. See Dumas Malone, ed., Dictionary of American Biography (New York, 1943), 8, 76-77, and George A. Townsend, Washington, Outside and Inside (Hartford, Conn., 1873), pp. 57-64.

too much; something similar happened in 1820, but a revised plan of his was approved.[15] The building was to consist of two identical sections placed back to back, each having a central portion and two wings--the whole forming an I shape. There was to be a rotunda in the center, surmounted by a low dome.[16] The Commissioners of the City Hall, appointed by the city councils (the Board of Aldermen and the Common Council) to superintend the construction of the building, chose two possible sites, favoring that on Pennsylvania Avenue between 3rd and 4 1/2 Streets. When President Monroe rejected that choice, the commissioners made contracts for the construction of the central part of the southern half of the

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15. Noel, Court-House, pp. 13-14, cites the Intelligencer of April 7, 1820, which said that the building as originally planned would have cost about $375,000. Bryan, 2, 79, says that in response to the advertisement in 1820 Hadfield submitted plans which were approved but had to be revised when it was found that the building would cost about $750,000.

16. Robert Mills, a younger contemporary of Hadfield and later Architect of the Public Buildings, may have had a role in designing the building. In his manuscript autobiography he asserted that his design for the south front of the City Hall was employed in a compromise plan worked out by Hadfield. (Mills' autobiography in Helen M. Pierce Gallagher, Robert Mills (New York, 1935), p. 160.) Whether or not Mills' story is accurate, Hadfield was officially the architect. Ironically, the approved plans for the northern part of the building and the low central dome, which were indisputably Hadfield's, were never carried out. When the northern section was added in 1881-83, economy and the need for more space prevailed over fidelity to the original plan.

building on the second choice, the south front of Judiciary Square became the site of what is now recognized as one of the most handsome public buildings in Washington.[17] The length of the building lies parallel to the short side of the square.

The laying of the cornerstone of the City Hall, on August 22, 1820, was an important event in the life of the young city. The mayor issued a proclamation urging the citizens to attend (which most of them did), and voicing the city fathers' intention that the City Hall should be made durable and large in scale so as to be serviceable as "the seat of legislation and of the administration of justice for the metropolis when it will have reached its intended populousness." A Masonic procession, which the mayor called "the first civic procession our city has ever had an opportunity of forming," was a prominent and colorful part of the cornerstone ceremony. John Law, a lawyer and Mason, gave an address which eloquently analyzed the lagging development of the city, attributing

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17. Roy Larsen, F.A.I.A., has listed it with the White House, the Capitol, and the Washington Monument as one of the finest of the early buildings in the capital that remain. (Larsen, "Federal Architecture," in Washington in Transition (reprint of Jan. 1963 issue of the AIA Journal), p. 91.

it in part to the reluctance of Congress to provide sufficient assistance.[18]

It soon became evident that the city government would have difficulty completing the ambitious City Hall project. In March 1821 the Commissioners of the City Hall proposed enclosing "the whole house" (that is, the unfinished central section of the building, which was all that had yet been undertaken), and finishing only the parts needed by the city councils and their officers.[19] Apparently this plan was followed, though under smaller appropriations than requested, at that. The Mayor, Register, and city councils moved into the building in 1822. The part of the central section which was intended for the Circuit Court (and for a public library which was probably never established) was left unfinished, though the foundation walls had been constructed in the

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18. The mayor's proclamation and Law's speech are quoted in Noel, Court-House, pp. 18-25.

19. Report of the Commissioners of the City Hall, March 7, 1821, quoted (without the accompanying documents) in Noel, pp. 26-27. The Commissioners reported that they had decided to face the basement story with freestone and to add four feet to its elevation so as to create rooms 12 feet high in the basement, which of course increased the cost of the building.

autumn of 1820.[20] A piecemeal approach was inevitable, since the city was hard pressed for funds. The expectation that the proceeds of the lottery would reimburse the city treasury was dashed when the lottery failed early in 1823.[21]

Since the City Hall was clearly intended to house the U.S. Circuit Court for Washington County as well as the city administration, it was logical enough that Congress should now assist in financing the construction of the building. This it did, appropriating $10,000 in 1823 to have rooms fitted up and purchased for the Circuit Court, its Clerk, the Marshal, and the records of the court. The court, officers, and records moved into the east wing of the building some time during the year 1823-24. (The unusual joint occupancy by Federal and local government which then began continued until 1873, when the city government moved

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20. "Report of the progress made in building the City Hall during the months of August, September, October, and November last; also, the state of the building when the work stopped for the winter season, 1820" (accompanying the Report of the Commissioners of the City Hall, March 7, 1821). Copy in City Hall clippings envelope, vertical file, Washingtoniana Room, D. C. Public Library.

21. Its failure was due to the refusal a little over a year earlier of several of the states to permit the sale of its tickets within their borders, plus the defalcation of the lottery manager. (Bryan, 2, 81; F. Regis Noel, "Little Money from Lottery Helped Build Old City Hall," Washington Star, October 20, 1919. See also the list of appropriations made by the municipal and Federal governments, in Noel, Court-House, p. 35.

out.) In 1824 the Orphans' Court and the Office of the Register of Wills moved into the building. The east wing was essentially completed in 1826, though without its portico; and the following year the great western room was furnished and occupied by the Common Council. The building was still incomplete, however, and was soon crowded. The Patent Office had quarters in it for several years after fire destroyed its home, the Blodgett Hotel building, in 1836.[22] Around 1840 the city Corporation was renting out the basement rooms in the eastern half of the building to attorneys and Patent Agents (which helped pay the expense of the building).[23] For a decade the Criminal Court, created in 1838, had to share a court room with the Circuit Court. In 1849 Congress provided $30,000 for the completion of the building, on condition that adequate room be set aside for the use of the United States. The rough brick exterior was stuccoed and the porticoes erected, so that at last the south front was complete, but the occupants remained crowded, and the courts took up an ever larger part of the building. The north side of the building remained a hodge podge

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22. Bryan, 2, 247-48.

23. George Watterston, A Picture of Washington (Washington, 1840), p. 53.

until 1881, when the Federal government began constructing an extension; and since the building was not adequately maintained, it had a shabby appearance for decades.[24]

Prominent Occupants of the City Hall-Courthouse

The mayor's office had a number of notable occupants, particularly in early years, including Joseph Gales, Jr. (July 1827-June 1830), Peter Force (June 1836-1840), and William W. Seaton (June 1840-June 1850). Gales and Seaton together published the National Intelligencer, a leading Washington newspaper, and the Register of Debates, the first systematic record of Congressional debates, for which they were the sole reporters as well as editors. Force was also a newspaper editor and proprietor, and served as a Major General of the D. C. militia and for several years as President of the National Institution, a scientific society. An early collector of American manuscripts and documents, he published statistics and historical facts in the National Calendar and Annals of the United States.[25]

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24. The shabby appearance was due primarily to the cracking and peeling of the stucco surface. which was meant to simulate stone. Only the pillars and the facing of the basement story were actually stone, and that a very porous limestone from nearby Aquia Creek, which deteriorates unless it is kept coated with paint.

25. William Tindall, Standard History of the City of Washington (Knoxville, Tenn., 1914), pp. 227-29; Bryan, passim.

Other distinguished men served the city and the nation in the courtrooms in the City Hall. The most distinguished was undoubtedly William Cranch, Chief Justice of the Circuit Court, one of President Adams' "midnight judges." Though Cranch was an avowed Federalist, President Jefferson named him Chief Justice in 1805, and he retained the position until his death in 1855, serving 54 years on the bench. Besides involving himself in many civic endeavors and in the Columbian Institute (an early society for the promotion of the arts and sciences), he performed the invaluable service of recording U.S. Supreme Court decisions, 1801-15, and D. C. Circuit Court decisions, 1801-41.[26] David K. Carter of Ohio, whom President Lincoln appointed Chief Justice of the newly organized Supreme Court of the District of Columbia in 1863, was another highly respected judge. The clerk of the new court, Return J. Meigs, served until 1891, doing much for the success of the new judicidal system; and the famous Negro editor and abolitionist Frederick Douglass was Marshal of the District from 1866 to 1881.

The District court was the second most important court in the country, and many cases of national importance or influence were tried in the court rooms in the City Hall or

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26. For descriptions of his career and personality, see Allen C. Clark, Greenleaf and Law in the Federal City (Washington, 1901), pp. 47-66; Bryan, esp. 1, 556; and Noel, Court-House, pp. 75-77.

District Courthouse. The most famous cases in the 19th century were the trial in 1849 of Congressman Daniel E. Sickles for the murder of Philip Barton Key, U.S. Attorney for the District and the son of Francis Scott Key (in which Sickles was acquitted because the crime had been provoked by Mrs. Sickles' confession of adultery), the trial in 1867 of John H. Surratt, who was acquitted on charges of taking part in the conspiracy to kill President Lincoln, and the turbulent trial in 1881 of Charles Guiteau, the assassin of President Garfield. In the 20th century the old District Courthouse has been the scene of the "Teapot Dome" cases; the mass sedition trials of 1945; a case in which John L. Lewis of the United Mine Workers of America was fined $1,500,000 for contempt; and the granting of an injunction against President Truman's seizure of the nation's steel mills during a labor dispute in 1952.[27]

The G Street Jail

The old county jail in Judiciary Square became increasingly inadequate as it aged and the population of Washington grew.

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27. For details of trials see Nelson B. Bell, "Will Preserve the Birthplace of the Unwritten Law," Washington Post, September 23, 1917, and Joseph B. Byrnes, "District Court Nearing End of Its Days," Washington Times-Herald, June 30, 1952.

On March 3, 1838, Congress authorized the President to have a new jail built on a site of his choosing, and appropriated $31,000 for the purpose. A three-story brick building was erected in the northeastern corner of Judiciary Square, facing G Street, on plans adopted by the District government. The building was 100 feet long, 50 feet wide, and 40 feet high, and may originally have had a belfry above the third story.[28] Robert Mills (officially the Architect of the Public Buildings in Washington at the time had the "entire superintendence" of the construction and made the contracts. The building was begun in June 1839 and finished by April 1840 but not occupied until 1842, since Mills had omitted the cost of a prison wall and the necessary outhouses in his original estimates and further appropriations were required for these and other improvements.[29] While the building had

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28. See Bryan, 2, 93, and compare illustration on page 112.

29. Besides the original $31,000, Mills requested $5,000 in January 1841 for the wall and outhouses and $2,000 in January 1842 for "grading and paving courts at the jail, erecting suitable furnaces to heat the building, and constructing privies," and "providing for other contingent expenses." (Report of the Commissioner of Public Buildings, January 13, 1841, p. 1, and Jan. 12, 1842, p. 4.) According to Bryan, the total cost was about $38,000. (Bryan, 2, 93.)

the virtue of being fire-proof, an official commission reported that it was deficient in many respects--"badly built, badly constructed, and wholly insecure, even with a wall," the exterior covered with flaking stucco "instead of having an imperishable finish of well laid bricks," and the interior lacking proper means for ventilation, cleanliness, and privacy.[30]

Some time in 1842 the District Marshal transferred all the prisoners in the old jail to the new one. The G Street jail, known as the "Blue Jug" because of the wash of color applied to the stucco to simulate granite, served as the county jail for over thirty years even though the grand jury repeatedly condemned it as unsafe and ill suited to its purpose. As early as 1855 the Commissioner of Public Buildings began pressing for its removal from Judiciary Square, viewing its presence as an abuse of the square and a health hazard.[31] Year after year the Commissioner urged the erection of a new,

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30. Reports of the Commissioners appointed to inquire into the condition of the Public Buildings, and the conduct of the Superintendents thereof (27th Cong., 1st sess.; read in the Senate August 25, 1841), 41-42. These and other revelations in the report led Congress to abolish the office of Architect of the Public Buildings, the services of the architect being discontinued on July 31, 1842.

31. He remarked that "its location is decidedly objectionable, as interfering with the beauty of the square; and in

larger jail on the outskirts of the city (in 1858 he reported that the jail contained twice as many inmates as it had been intended for, including some convicts as well as persons held for trial), but while Congressional committees visited the jail and reported appropriations to improve the jail and the courthouse (which was in need of extension), Congress did not authorize the construction of a new jail until after the Civil War. In the meantime, the eyesore on G Street hampered plans for the further improvement of the square and the neighborhood. Propriety was served but the jail's appearance was hardly improved when in 1858 heavy board slats were placed across the outside of the windows, "excluding the prisoners from public view and preventing them from seeing the passers by on the streets, which used to excite them to the use of profane and vulgar language that offended the moral sense of the whole neighborhood."[32]

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the event of the jail fever, or any other contagious epidemic breaking out in it, as rendering the entire population liable to contract the disease from the facility with which it might be imparted to the surrounding residents and through them diffusing its infection from street to street . . . ." (Report of the Commissioner of Public Buildings, 1855, p. 59).

32. Report of the Commissioner of Public Buildings, 1858, p. 697.

The Washington Infirmary

When the G Street jail neared completion, the Medical Society of Washington appealed to Congress to establish a public hospital in the old jail building in the center of Judiciary Square. At the time there was no general hospital in the city, and the Medical Society had long desired the establishment of a hospital in which clinical instruction might be given. At first Congress declined choosing instead to have the old jail coverted into an insane asylum and "hospital for sick, disabled and infirm seamen, soldiers or others," that is, for the various public charges, and appropriating $10,000 for these purposes on August 29, 1842.[33] Two years later, however, Congress decided that the site and building were not suited to the care of the insane, and turned the building over to the medical faculty of Columbian College. An act of June 15, 1844, directed the Commissioner of Public Buildings to allow the medical faculty "to occupy the insane hospital, with the adjoining grounds, . . . for medical instruction, and for scientific purposes, on condition that they shall give satisfactory security to keep the said building

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33. Charles W. Richardson and Edwin Melvin Williams, ch. 61, "Hospitals," in John Clagett Proctor, Washington Past and Present (5 vol. New York, 1930-32), 2, 669. The expenditures in 1842 and 1843 for this purpose amounted to $12,397.63, according to the Report of the Commissioner of Public Buildings, 1842 and 1843. The alterations were completed in July 1843.

in repair and return it, with the grounds, to the Government in as good condition as they now are in, whenever required to do so."[34] The medical faculty proceeded to furnish and adapt the building at its own expense, calling the new institution the National Medical College. The Washington Infirmary Hospital, as the building itself was known, opened in July. Well managed and centrally located, it was popular with the public, and answered several important needs. City and county patients were admitted for a modest sum (for board--the doctors' services were free), and the city's poor received free medical advice for an hour each morning; the medical students of the college heard clinical lectures and benefitted from watching the doctors at work.[35]

Beginning in 1848, Congress helped cover the expenses of this valuable institution by appropriating a sum annually for the support and medical treatment of a certain number of

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34. U.S. Stat., 5, 672.

35. U.S. Congress, Joint Select Committee to Investigate the Charities and Reformatory Institutions in the District of Columbia, Historical Sketches of the Charities and Reformatory Institutions in the District of Columbia, ed. and comp. Charles Moore, Clerk of the Joint Select Committee (Washington, D. C., 1898), pp. 5-7. (This work is cited hereafter as Moore, Charities and Reformatory Institutions in D. C.)

transient paupers in the Washington Infirmary; it began by providing $2,000 for 12 pauper patients, and increased its aid as the population of the city grew.[36] It also appropriated $20,000 in the general appropriation bill of February 21, 1853, to aid the directors of the Washington Infirmary in enlarging the accommodations for sick transient paupers. Two wings and a third story were added, and from this time the Infirmary must have looked essentially as it did when the Civil War began (see illustration on p. 110), its main facade simple but pleasing in design.[37] In this period

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36. Large numbers of job seekers and others attracted to the National Capital failed to find work and so fell into poverty. Congress increased the appropriation for the care of paupers to $3,000 in 1853, to be applied to the care of 18 persons, and from 1858 to 1861 provided $6,000 annually for 40 patients. See Bryan, 2, 338-41; and Moore, Charities and Reformatory Institutions in D. C., p. 6.

37. In his account of the Civil War hospitals in Washington, John Wells Bulkley describes the Infirmary as "a brick building, three stories high, with three white wings, and walls rough-coated, in imitation of stone." Bulkley, "The War Hospitals," in Marcus Benjamin, ed., Washington during War-Time, (Thirty-Sixth Annual Encampment of the Grand Army of the Republic, Washington, 1902), p. 148. See also an announcement of the 1856-57 session of the National Medical College in the vertical file of the Washingtoniana Room, D. C. Public Library, in envelope marked Hospitals, Washington Infirmary; this includes a picture of the Infirmary.

invalids were still cared for at home, by their families and family doctors, if possible, and it is clear that the Washington Infirmary was essentially a charitable institution. According to a prominent Washington physician of the 19th century, Dr. Joseph Meredith Toner, "the internal and domestic management of the Infirmary was, after a short time, put under the director of those excellent and humane nurses, the Sisters of Mercy." Toner remarks, too, on the great value of the institution in affording accommodation "to strangers and others compelled to resort to such an establishment."[38]

The Fifth Street Schoolhouse

The barren and largely unimproved portion of Judiciary Square north of E Street received one more structure in 1845, a modest one-story brick schoolhouse for the Second District of the city. On December 6, 1844, the City Council had directed Mayor Seaton to erect a school in Judiciary Square for 250 pupils, at a cost of $2,000; but the school actually built consisted of a single room 27 1/2 feet wide, 57 1/2 feet long, and 10 1/2 feet high. It stood on Fifth Street between F and G streets, its yard enclosed by a fence. The school

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38. Quoted in Moore, Charities and Reformatory Institutions in D. C., pp. 6-7.

opened September 1, 1845, in the charge of Dr. Tobias Watkins and Mrs. S. P. Randolph, with about 100 pupils the first term. Later there were three teachers, probably conducting three different classes at once in different parts of the room. According to James Croggon, it served as a district school until the erection of another in the 1850's; but perhaps only the boys' classes left the Fifth Street school then, for there were three women teachers there in 1855-56 (under a male principal) and Mrs. Randolph was still teaching there in 1860. In 1922 an old resident of the city, the Rev. Page Milburn, remembered the building as a girls' school. It was in the school on Judiciary Square that a prominent local choirmaster, Prof. Joseph Humphrey Daniel, inaugurated the teaching of music and singing to the city's public school children, in 1856. Daniel's music class was so popular that he was put in charge of musical instruction in all the city's schools. The Fifth Street schoolhouse served as a temporary military hospital in the Civil War, and remained standing until 1873.[39]

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39. See articles by John Clagett Proctor in the Sunday Star, August 30, 1936, p. F-6; August 29, 1937, p. F-2; and December 15, 1940; Proctor quotes Croggon in the first of these. See also the Rev. Page Milburn, "The Fourth Ward," Records of the Columbia Historical Society, 33-34 (1924), p. 62.

Systematic Improvement of the Grounds

Although the grounds around the City Hall were graded in 1825, the square remained little improved until after 1855, when the Commissioner of Public Buildings outlined a far-reaching program of improvements to be undertaken in Judiciary Square. Besides pressing Congress to extend the courthouse portion of the City Hall and to relocate the jail on the outskirts of the city, the Commissioner, John B. Blake, recommended other preparations for the general improvement of the square. Thus he suggested that the corporation of Washington should be advised of the need to remove the schoolhouse, which stood in the way of the intended improvement, and urged Congress to join with the corporation in constructing a sewer in place of the stream which then carried the drainage of much of the city to the north and west of the square through it, endangering the health of the central part of the city. The ravine would be filled, and E Street, which had been opened through the square without proper authority, could be closed to allow the grading of the whole square. The Commissioner looked forward to the conversion of Judiciary Square into "one of the largest and most inviting public resorts in the metropolis."[40]

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40. Report of the Commissioner of Public Buildings," in Report of the Secretary of the Interior, 1855, p. 587.

Only the most basic parts of this excellent program were carried out before the Civil War. In 1856 a large barrel sewer was constructed through the square from the intersection of E and Fourth Streets to the intersection of G and Fifth Streets, with a smaller lateral sewer to carry off the water of a stream originating near New York Avenue north of the square. The filling up of the ravine and the grading of the square began promptly but had to be left incomplete since the money appropriated was inadequate; this was part of a larger problem, the lack of adequate funds for the improvement of the public reservations in Washington in general. The plea of the Commissioner in 1859 for a final appropriation to complete the filling up and grading of Judiciary Square during the next working season went unanswered, and so the Commissioner's vision of the square as a "place of resort and recreation" remained unfulfilled for the time being. A certain amount of work must have been done around the City Hall by this time or soon afterward, however, for a guidebook remarked in 1864, "The grounds around it [the City Hall] have been laid out in fashionable style," and there was then a stone pavement between the wings of the building.[41]

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41. William F. Richstein, The Stranger's Guide to Washington City (Washington, 1864), p. 36.

CHAPTER II. Judiciary Square During the Civil War. Use of the Square and Its Buildings for the Wounded

During the Civil War various public reservations in Washington provided space for hospitals for Union soldiers wounded at Manassas, Fredericksburg, and other nearby battles, and for barracks for the large concentrations of troops stationed in the city, while the surrounding hills burgeoned with tents, and public buildings, churches, hotels, and private homes had to be pressed into service. Judiciary Square was the site of a large military hospital opened in 1862, and indeed was involved in the war from the very beginning, for the first Union soldiers wounded in the war were brought to the Washington Infirmary for treatment.

The Washington Infirmary was the only available hospital in the capital when the Civil War broke out, and when on April 19, 1861, members of the 6th Massachusetts regiment were fired upon by a mob of Southern sympathizers in Baltimore, the Infirmary received 31 of the 40 or so injured soldiers.[1] The army took possession of it immediately, and it remained a

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1. Bulkley, "The War Hospitals," p. 149; and "Historic Spot in Pension Office Grounds," Star, April 21, 1913 (clipping in vertical file, Washingtoniana Room, D. C. Public Library, in envelope of Pension Office Building clippings).

military hospital, though continuing to house the paupers committed to its care, until its destruction by fire on November 3, 1861.[2] The problem of sanitary drainage of the hospital grounds apparently caused concern, for by an act of August 5, 1861, two weeks after the battle of Manassas, Congress appropriated $5,000 "for removing the stables and other obstructions around the Washington Infirmary, used as an army hospital, and grading said grounds to secure proper drainage of the same."[3]

Various other buildings in the City Hall neighborhood were used as hospitals or barracks as well, including several churches and the National Era building. The "Palace of Aladdin" behind the City Hall and the Assembly Rooms on Louisiana Avenue nearby served as barracks for certain regiments, and the City Hall itself received some of the wounded in the summer of 1861.[4] After the fire at the Washington Infirmary, wounded

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2. "Report of the Commissioner of Public Buildings," in Report of the Secretary of the Interior, 1861, p. 851.

3. Quoted in Moore, Charities and Reformatory Institutions in D. C., p. 7, with the remark that "what public sentiment was not strong enough to do war instantly accomplished."

4. Some of the early arrivals from Centreville (part of the first battle of Manassas) "could not obtain admission to the hospitals, and were taken to the City Hall, where they were provided with cots and blankets" (Margaret Leech, Reveille in Washington, 1860-1865 (Garden City, N. Y., 1945), p. 190.

soldiers were temporarily placed in the schoolhouse on Judiciary Square and in a nearby dwelling, 461 E Street which both served until the Douglas hospital opened in January 1862.

Under a joint resolution of Congress approved January 18, 1862, the remains of the Washington Infirmary were sold at public auction and removed, and part of the proceeds was expended on improvements of the grounds. To replace the Infirmary, the Quartermaster General erected a "U. S. General Hospital" in Judiciary Square, north of E Street, on plans prepared by the Sanitary Commission. It opened in April 1862 and served until July 8, 1865, or possibly longer.[5] This building consisted of wooden "ridge-ventilated" sheds or two "pavilions" attached to a long central structure. (See map on page 114 below.)

The management of the Judiciary Square Hospital soon became notorious. The treatment of the dead, in particular, raised protests from citizens, for "the naked bodies of the dead were stretched on a vacant lot, and prepared for burial

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5. Moore, Charities and Reformatory Institutions in D. C., p. 35, says it closed July 8, 1865; but Bulkley included the Judiciary Square hospital in a list of the general hospitals in Washington and vicinity on December 1, 1865, noting that it contained 510 beds, 311 of which were then occupied (Washington during War Time, 148. Bulkley describes the hospital on pp. 160-61.

in full view of the populous neighborhood."[6] Nonetheless the hospital continued in use throughout most of the war.

Other Events Connected with Judiciary Square during the Civil War

Among the more interesting aspects of the history of Judiciary Square during the Civil War are the controversy over the G Street jail, the connection of the City Hall with the emancipation of slaves in the District of Columbia, and the reorganization of the district court.

The Washington county jail came under close scrutiny in November 1861. The detective Allan Pinkerton visited it to prepare a report for the provost marshal, and the chairman of the Senate's Committee on the District made a personal investigation. They found that the jail was dark, dank, unsanitary, and insecure; and 200 inmates crowded into its cells, including 60 fugitive slaves, many of them contrabands, and at least one free Negro, who had been unjustly imprisoned more than six months. These revelations caused an uproar in the Senate, bringing down a storm of criticism upon those in charge--the District Marshal, Ward Lamon (a friend of Lincoln) and Deputy Marshal George W. Phillips, who were suspected of being pro-slavery. Some of the contrabands were discharged by order of the provost marshal, and in

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6. Leech, p. 207.

an attempt to bring the episode to a close, Lincoln sent an order clearing the jail of the supposed fugitives who remained and instructing the Marshal to receive no more of them. The scandal had lasting effects, however. It contributed to the arguments in favor of abolition of slavery in the District, and no doubt was a major reason why in 1864 Congress gave custody of the jail to a warden, created a special marshal for the court, and abolished the old system under which the Marshal received compensation through fees and emoluments. (The fee compensation of the Clerk of the court and the District Attorney was similarly replaced by a fixed allowance.)[7]

In the spring of 1862 Congress passed an act emancipating the slaves in the District and providing compensation to loyal slave owners. This act was signed by the President, April 16, 1862. The value of each slave had to be appraised before compensation could be made, and it was in the City Hall that the appraisal took place, conducted by experienced slave auctioneers.[8]

Congress effected a major change in the judicial system of the District in 1863, by abolishing the Circuit Court and

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7. Leech, pp. 239-42; Bryan, 2, 520.

8. Cornelia Ball, "The Buildings are Surrounded by Legends," Washington Daily News, March 18, 1965.

Criminal Court and establishing the Supreme Court of the District in their place, with a new form of practice.[9] This action came after decades of dissatisfaction with the prevailing system and with some members of the bench; an attempt to have Congress substitute a modern code in 1832 had failed, as had pleas in 1850 that Congress reorganize the judiciary, and the attempt to prepare a legal code which would satisfy the citizens (one prepared in 1855-57 was rejected by popular vote, since the citizens were unwilling to accept the changes it made). The abolition of the Circuit Court was not, however, simply a reform of an antiquated judicial system. It was also a result of the misgivings of abolitionists in Congress about the political and social climate of the District, and their anger at abuses of the Black Code. The Circuit Court had been blamed, rather mistakenly, for such abuses as the imprisonment of free Negroes on suspicion of their being runaway slaves, and it has been said that the object of the change was to remove a judge suspected of sympathizing with secession without

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9. Bryan, 2, 439-40; the change did away with the old practice in which "each case had three terms--the appearance, the imparlance and trial terms--requiring nearly a year to get a judgment even when a case was uncontested."

impeaching him.[10] The court bill was regarded as partisan legislation, and practically the entire bar protested against it.[11]

Establishment of the Soldiers' Free Library and Reading Room

Of all the buildings which have stood on Judiciary Square, the one with the most unusual history was perhaps the Soldiers' Free Library and Reading Room. It sprang from the efforts of two young northerners living in Washington during the Civil War, Elida B. Rumsey and her fiancé, John A. Fowle, who had become interested in improving the lot of the soldiers in the city, particularly those in the hospitals. Elida Rumsey had begun visiting the hospitals with Fowle, to sing for lonely and despondent soldiers, after discovering one day at the B&O railroad station what enthusiasm her renditions of patriotic songs could stir in the soldiers. Soon the couple had established a Sunday evening prayer

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10. Bryan, 2, 517-18, and Henry E. Davis in Noel, Court-House, p. 144. Bryan says such abuses as the imprisonment of free Negroes were "in fact mainly due to the ancient but vicious system, that made the living of magistrates and constables dependent upon fees." He concludes, also, that there was little actual disloyalty or belief in slavery in the District but considerable conservatism and fear of sudden change in racial relations.

11. Bryan, 2, 518-19, Bryan states that "The only concession to local opinion in the entire law was leaving the Orphan's Court untouched" (p. 519).

meeting in the Columbian College Hospital, and Elida had conceived the idea of giving the soldiers a place in which to read and to write letters, so as to "attract [the soldiers] away from the dramshops and dives by affording them some rational amusement for their leisure hours," as a newspaper account explained in 1899.[12] Some time in 1862 the couple established the Soldiers' Free Library in a rented room at No. 423 Fifth Street, in the City Hall neighborhood; there they lent out books donated by friends of the cause. Humble though its beginnings were, this was the first free library established in Washington.[13] John Fowle described the undertaking in a letter of November 23, 1862, preserved in the D. C. Public Library.[14]

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12. Unidentified clipping, "Washington Free Library," stamped LEUPP and FEB 24, 1899, in envelope marked "Libraries, Special - Soldiers Free Library," vertical file, Washingtoniana Room, D. C. Public Library.

13. Andrew Carnegie, donor of the Washington public library at Ninth Street and Massachusetts Avenue, wrote Elida Rumsey Fowle, "You deserved recognition for your free library was the first in Washington" (quoted by Tom Kelly, "One Hundred Years Ago; Library Was Built for a Song," Washington Daily News, January 22, 1962).

14. Fowle wrote, "Soldiers come from all parts of the City by Scores, to day [sic] the little spot was full outside and in and Elida and myself had just as much as we could do for an hour and a half, taking in and giving out Books . . . . The Library is large and well selected and donations are

The couple raised the money with which to give the library a building of its own, partly by giving concerts. (At two of these concerts the Marine band played by order of President Lincoln.) Congress granted them the use of a portion of Judiciary Square for the library, by a joint resolution of January 13, 1863, the building to be removed "whenever the Secretary of the Interior shall require the same to be done." The plain, one-story library building, covering a plot 65 by 24 feet on the western side of Judiciary Square, just north of E Street, was erected at a cost of about $1,000, and opened on March 1, 1863;[15] and on March 2, Elida Fowle took charge of the library. The collection contained about 5,000 books, and there were seats for 250 in the reading room, with many newspapers and magazines and even a melodion for the soldiers to play. Nor was this all--the Fowles were ready with various sorts of free concerts

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pouring in every day--one Lady Mrs. Walter Baker [of] Dorchester, sent us 550 Volumes all 1st class Books--from Jamaica Plain I had about 500 and so on . . . ." (MS. letter to "Dear Augustus," on stationery stamped "Soldiers Free Library, Washington, D. C., 1862," in vertical file envelope cited above.)

15. On the same day Elida and John Fowle were married, in the Hall of the House of Representatives; they had both been members of the choir of the House of Representatives.

and necessities for needy soldiers (Bibles, shirts, medicines, delicacies, stationery, and so on), and invited the soldiers to join the Soldiers Free Library church and a singing class. Clearly the Fowles were deeply embued with the warm sentiment and evangelical concern with which the North and South alike attempted to strengthen their soldiers; and the library, while it stood, reflected those feelings.[16]

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16. For accounts of the library and the Fowles, see Mary A. Gardner Holland, comp., Our Army Nurses (Boston, 1895), pp. 67-75; and Frank Leslie's Illustrated Newspaper, March 5, 1864 (which quotes an account from the Washington Chronicle). See also, in vertical file envelope cited above, library bookplate, which describes the privileges and hours; a certificate of membership in the Soldiers' Free Library Church; and a printed sheet of the library's rules, which states that "Soldiers, colored persons, and those laboring for the colored, may draw books."

CHAPTER III. Conversion of Judiciary Square into a Park and Construction of the Pension Building

Postponed by the Civil War and delayed for several years thereafter, the conversion of Judiciary Square into a handsome park finally came about in the 1870's. Almost immediately after this was achieved, the nature of the park was altered by the construction of the Pension Building in 1882-87. The new building dominated the portion of the park north of E Street, taking up a large area and requiring new landscaping of that part of the park. The construction of an extension of the Court House in 1881-83 also required some changes in the grounds, but these were not so far reaching.

Erection of the Lincoln Monument

One of the first changes made in Judiciary Square after the Civil War was wholly unrelated to the plans for the park. This was the erection of a monument to President Lincoln in front of the City Hall. Within two weeks of Lincoln's assassination, a committee of District councilmen had formed a Lincoln National Monument Association, which raised money (though only locally, as it turned out) and commissioned a statue. The sculptor whose design was chosen was Lot Flannery, a local man who had known Lincoln personally and is said to

have been an ex-Confederate soldier. The dedication of the marble statue, which shows Lincoln in "a speaking attitude with his hand resting upon the Roman symbol of union" and originally stood on a 35-foot high pedestal, took place on April 15, 1868, before 15-20,000 witnesses. President Andrew Johnson, then undergoing impeachment, took part in the ceremony.[1]

Creation of the Park

After the laying of a sewer across Judiciary Square in 1855 and the filling in and grading of parts of the grounds in 1857-58, few improvements of the grounds were made until 1873, despite the hopes of the Commissioner of Public Buildings and his successor (as of 1867), an officer in the Army Corps of Engineers.[2] In the summer of 1866 one of the hospital buildings in Judiciary Square was moved into

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1. The fullest account, and source of above quotation, is Allen C. Clark, "Abraham Lincoln in the National Capital," Records of the Columbia Historical Society, 27 (1925), 1-174 (see pp. 167-69). See also Helen Nicolay, Our Capital on the Potomac (New York, 1924), p. 489; and H. Paul Caemmerer, Washington, the National Capital (Washington, 1932), p. 620.

2. This officer was known as the Officer in Charge of Public Buildings and Grounds (or for a time as the Commissioner of Public Buildings and Grounds, Washington, D. C.) The title of his annual report varies; commonly, Annual Report upon the Improvement and Care of the Public Buildings and Grounds in the District of Columbia . . . ; cited below as Annual Report, PB&G (pagination sometimes that of separate publication, sometimes that of report as appendix to the Annual Report of the Chief of Engineers).

one of the yards of the prison to serve as a temporary hospital for the prison,[3] but the rest of the hospital buildings and the schoolhouse remained where they were, blocking the further improvement of the square. In the autumn of 1868 the frame buildings contained government stores; later Congress granted the use of these buildings to the Women's Christian Association, a society incorporated in 1870 to aid the poor. In 1872 the condition of Judiciary Square was described as follows: "South portion [is] in good condition, and surrounded with iron fence; middle and western portion [are] occupied by jail, and buildings donated to the use of the Women's Christian Association. This portion of the grounds [is] in poor condition, not graded, drained, planted, nor laid out in roads and walks."[4] Part of an old wooden fence around the Square was removed in 1873, and that year Congress authorized the sale of the wooden buildings. The sale took place on August 12, 1873; but the wooden buildings were not entirely cleared away until November, at

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3. "Report of the Warden of the Jail in the District of Columbia," in Report of the Secretary of the Interior, 1866, p. 610; and letter, W. T. Otto, Acting Secretary, Department of the Interior, to Edward Clark, Esq. [Architect of the Capitol], June 14, 1866 (in Judiciary Square folder, Office of the Architect of the Capitol), which identifies the building as the one "termed the 'Barracks.'"

4. Annual Report, PB&G, 1872, p. 23.

which time the improvement of the square could finally begin, since the brick schoolhouse had also been removed that autumn.[5]

The improvements began with subdrainage and grading. Next iron park posts were put in place, and mains for forty lamps were laid. In Fiscal Year 1875 "the walks and roads in this square, except the portion occupied by the jail, were marked out, excavated, and filled with gravel," and lamp posts were put in position. The roads in question were presumably E and F Streets. E Street had been illegally opened through the park on a straight line by 1855 and badly needed surfacing; the extension of F Street through the park was new. Although both were thoroughfares, within the park they were meant to be park drives, and it is probably at this time that they were given a slight curve. More work had to be done in Fiscal Year 1875 on surface drainage; nine sewer-lodges were built in the low spots in an attempt to prevent the rains from washing out the gravel walks. This remained a problem for years, however; year after year the drains became choked with gravel, and repairs had to be made to the gravel walks and roadways and the sod borders, so that eventually the gravel walks had to be resurfaced with asphalt or concrete. Even then the walks failed to drain

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5. Annual Report, PB&G, 1874, pp. 5-6.

properly when it rained, because of the unevenness of the ground. Another aspect of the improvement of Judiciary Square, the planting of trees and grass, began in Fiscal Year 1875. That year a row of elms and tulip poplars was placed around the square, spaced 25 feet between trees, and other deciduous trees and evergreens were placed in the grounds. Parts of the grounds were seeded. The next year 217 more trees were planted.

Drainage of water from the roof of the City Hall received attention in Fiscal Year 1876, and during the same year and the beginning of the next a watchman's lodge was built. This lodge, standing near the center of the park, contained a watchman's room, a toolhouse, and two water-closets. The old jail building was advertised for sale, in accordance with an act approved June 23, 1874, so that its portion of the square could be improved; but the Commissioners of the District intervened by securing a joint resolution of Congress "suspending the sale and authorizing the use of the building for the purpose of affording a place of detention of a certain class of criminals."[6] By the end of Fiscal Year 1877, during which 93 trees were planted in Judiciary Square, the officer in charge could report that except for the portion occupied

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6. Annual Report, PB&G, 1876, pp. 11-12.

by the jail, the square was in "an advanced stage toward final completion"; by then the lawns had been formed and flowering shrubs added to the trees, and already the primary concerns in the park were maintenance and the prevention of trespass on the lawns. The officer in charge did look beyond these matters, however, to additional plantings:

> The aspens, poplars, and soft-wooded maples above the grade in the southern portion of the park should be removed, and their places supplied with trees of a more ornamental character. A number of flowering shrubs, etc., are required to complete the planting of this park, and a greater number of seats ought to be provided for the accommodation of the visiting public.[7]

He pointed out that because the reservation had long been used as a dumping ground by contractors, the soil was largely clay and needed enrichment.

At last in Fiscal Year 1878 the remains of the old jail in the northeastern corner of the square were removed (together with a large pile of earth left over from early improvements of the grounds) and the former jail grounds were integrated into the park. Lawns and paths were created, three lamp posts put in place, a post-and-chain fence completed, and the grounds "planted with evergreens and deciduous trees

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7. Annual Report, PB&G, 1877, p. 7.

to correspond to the portions of the square already improved."[8] At the same time steps were taken to enchance the appearance of the rest of the park. The most striking addition was a fountain with a marble basin 25 feet in diameter, which was placed in the center of the square. A large number of seats were placed along the paths, "means were taken to prevent the use of the broad path running north and south by carriages, as this path was intended for pedestrians," and climbing vines were planted along the north front of the City Hall in hopes of covering the unsightly wall.[9] The usefulness and beauty of the park were now securely established. All the major improvements had been completed, though in Fiscal Year 1879 a number of paths worn across the lawns had to be broken up and sown with grass seed, and the following year asphalt footwalks were laid along the south sides of E and F Streets through the park.

Judiciary Square was now a handsome and popular park; gone were the days when temporary buildings could be placed upon it--except, of course, for the sheds of construction

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8. Annual Report, PB&G, 1878, p. 1346. More trees and some shrubs were planted in the park in Fiscal Year 1879, possibly in this corner.

9. Ibid., p. 1346.

workers. But only a few years after its transformation was completed, the square underwent several alterations. The first of these was the addition of a strip of land at its southern end, reaching between Fourth and Fifth Streets, which resulted from the narrowing of the roadways of Louisiana and Indiana Avenues by the District government in 1881. The officer in charge had this strip enclosed with an iron post-and-chain fence in December 1882, so as to make it part of the square. It enhanced the appearance of the City Hall by providing a band of lawn between its steps and street. The other changes were larger ones, occasioned by the construction of the Pension Building and of an addition to the City Hall.

Extension of the City Hall

The pressing need for more space for the District courts and records brought Congress to appropriate funds in 1881 for enlarging the City Hall. The new extension, a rectangular structure running along the entire northern front of the old building, was constructed in 1881-83 under the supervision of the Architect of the Capitol; some repairs were made in the old part of the building at the same time. The Architect of the Capitol had supervised some alterations of the interior in 1863 for the better accommodation of the Supreme Court of the District of Columbia, and at his urging

Congress had provided for some repairs and improvements since that time. Since 1873, when Congress purchased the District government's interest in the building, the funds for these had come out of appropriations made in answer to estimates submitted by the Office of the Attorney General.[10] In 1867, several years after the new extension was finished, the Architect of the Capitol reported that the west wing had been fitted up for and occupied by the Civil Service Commission. Theodore Roosevelt, as an early Civil Service Commissioner, was one of the new occupants.

In Fiscal Year 1884 the Office of Public Buildings and Grounds rearranged the grounds around the City Hall (or Court House) extension, terracing and sodding them and laying out new roads (service roads?) and walks; two of these walks led from Fourth and Fifth Streets to the east and west fronts of the addition.

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10. The Architect of the Capitol called attention to the dilapidated condition of the building, particularly the decay of the porticoes and other sandstone parts, in 1865. His office made improvements in the east part (occupied by the courts) in 1868-69, "the corporation of Washington having done its part"; and he remarked, "Heretofore it has not been the duty of any particular person to attend to the repairs of the portion of this building occupied by the United States . . . ." (Report of the Architect of the U.S. Capitol Extension, dated November 1, 1865, p. 7 (accompanying the report of the Secretary of the Interior for 1864); Report of the Architect of the U.S. Capitol Extension, made to the Secretary of the Interior, for the Year 1869, p. 7; and Annual Report of the Office of the Architect of the Capitol for the Fiscal Year Ended June 30, 1925, pp. 24-25. The last recounts the involvement of the Architect in the care ofthe building.)

Construction of the Pension Building

Congress made an initial appropriation of $250,000 for the erection of a much needed building for the Pension Office on August 7, 1882, and plans prepared by former Quartermaster General Montgomery C. Meigs were approved by Secretary of War Robert T. Lincoln on November 1, 1882; the ground, in the northern portion of Judiciary Square, was broken the following day.[11] The large, red-brick building which then arose, and still stands, is an interesting product of the late nineteenth century's respect for classical models and, at the same time, devotion to "modern" innovations. Various of the ornamental details of the exterior are patterned after those of the Farnese palace in Rome, including the pediments of the second and third story windows and the cornices and consoles of the first story windows. On the other hand Meigs (who superintended the construction) prided himself on the strength and thoroughly fireproof nature of the building materials (primarily pressed brick, iron, and terra cotta), the insulating effect of the double-glazed windows, and the fact that the huge clerestory superimposed on the rectangular main structure

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11. The site originally designated by Congress, on B Street at the intersection of Ohio and Louisiana Avenues, proved to be unsuitable, being filled land subject to floods of Tiber creek, and so the Judiciary Square site, 35 feet above tide-water, was chosen with the President's approval.

made the interior unusually light and airy--"no dark, ill-ventilated corridors depreciate the health of those who work in it or depress their spirits."[12] The three foot high terra cotta frieze which girds the building just below the second story windows is another example of a modern adaptation of an old idea, for like the frieze of the Parthenon in Athens it is a heroic depiction of a procession, in this case a procession of members of the various branches of the Union army and the navy, marching, riding, and rowing. The heroic gestures of some of the figures, especially the cavalry soldiers, and the mettle of the horses, may remind one of details in the Parthenon frieze, though the mustachioed faces, uniforms, and trappings are authentically of the Civil War period. By subtly and skillfully blending realism and

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12. Montgomery C. Meigs, Report on the Construction of the New Pension Building Made to the Secretary of the Interior, 1887 (Washington, 1887), p. 6. (Meigs made an annual report, 1883 through 1887.) The design of the clerestory underwent two transformations after the general design was approved. A copy of the original design, dated October 26, 1882, is in Meigs' report of 1883; a different design appears in Joseph West Moore, Picturesque Washington (Providence, Rhode Island, 1884); and the actual construction followed yet another pattern. It would seem that the final design of the clerestory was the most economical, judging by its lack of ornament, while the first design was perhaps the most successful in integrating the clerestory and the main body of the building. It was probably the clerestory which earned the building the nickname "Meigs' Old Red Barn"; its barn-like character can be appreciated to the full if one observes the building from, say, the corner of Seventh and G Streets, but is not very apparent seen from within the park, thanks to foreshortening.

classicism, the Bohemian-born sculptor, Casper Buberl, created a vivid, original piece of 19th-century Americana.[13] The handsome interior of the building, a huge covered court surrounded by arcades behind which are the offices, has many features. Perhaps the most striking are the two rows of massive Corinthian columns, four in each row, which divide the court into three bays. Though these were made of brick, they were plastered over and later painted to resemble onyx.[14]

By May 1885 work on the Pension Building had advanced far enough so that some officers and clerks of the Pension Office could occupy their new quarters, though the roof had not yet been erected and other features were incomplete. Work on the interior was protracted by the decision to place a fourth floor between the third floor and the high roof, but

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13. Warren Cox remarks in "Washington's Forgotten Architecture," Architectural Forum, 118 (1963), that the frieze is "not unlike that of the Parthenon in cowboy garb" (p. 73), but does not elaborate on this. Buberl also executed terra cottas for the old Metropolitan Opera House in New York and the National Museum in Washington. (Office of Archeology and Historic Preservation, National Park Service, Pension Building, 1882-1886 - Summary Report (December 1967), and General Services Administration, Historical Study No. 1 - Pension Building January 1964).

14. For an account of the transformation of the columns, see "'Shadow Shapes' on the Columns of the Pension Building," an unidentified and undated newspaper clipping in the vertical file, Washingtoniana Room, D. C. Public Library, in envelope of Pension Building clippings.

the building had been "substantially completed" at the time of Meigs' report of September 3, 1887.[15] The cost of construction was $902,569.48, according to statistics compiled by the Office of Public Buildings and Public Parks of the National Capital in 1931.[16]

Improvement of the Grounds after Construction of the Pension Building

The Pension Building took up a considerable portion of the park land in the northern part of Judiciary Square, and dominated the whole area north of the E Street roadway, which until the 1930's contained no other buildings except the watchman's lodge. In the autumn of 1882 the impending construction of the Pension Building had compelled the Office of Public Buildings and Grounds to remove hastily many trees and shrubs. (290 were removed before excavation began, but 112 trees and shrubs were destroyed before they could be moved.) The F Street roadway and walk and footwalks on the building's site

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15. Meigs, Report, 1887, p. 6.

16. "Building Statistics and Historical Data on Buildings and Memorials under the Supervision of Buildings Division, Office of Public Buildings and Public Parks of the National Capital," a typescript in R. G. No. 121, U.S. National Archives. See p. 117. The historical data on the Pension Building, derived from Meigs' diary, provide a useful account of the features of the building. The copious statistics include the size of the ground plot (112,500 sq. ft.), gross floor area (196,354 sq. ft.) and net office space (140,565 sq. ft.)

had also been taken up; their materials and some sod were salvaged. While waiting for the removal of construction materials and excavated dirt from the grounds of the Pension Building, the officer in charge of public buildings and grounds attended to the perpetual need for more gutters in Judiciary Square and had beds of ornamental foliage and flowering plants set out--with 2,005 flowering bulbs in Fiscal Year 1885. The work of improving the Pension Building grounds began in September 1886, with the removal of some earth on the south and east sides. On the south, or main front, lawns were created, a new carriage road 30 feet wide was made on the line of F Street from Fourth to Fifth Streets, in the form of a curving park drive, and a 16-foot wide gravel walk was laid along the south front of the Pension Building. Other changes were made to enhance the approach to the building; the fountain in the center of the park was removed and placed in front of the new building, with a gravel walk 20 feet wide around it, "to form a suitable carriage approach to the southern entrance."[17] A flower bed was constructed around the fountain, and the gravel walk was widened, in Fiscal Year 1888.

The grading of the Pension Building grounds was completed and paths and lawns created in Fiscal Year 1888, 1889, and

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17. "Annual Report, PB&G, 1887, p. 2580.

1890. At the same time large numbers of shrubs and deciduous and evergreen trees were planted in the park. Throughout the rest of the century the park's gravel paths and roads, which were alternately dusty and muddy, were paved with asphalt. By the end of Fiscal Year 1899 the entire roadway of F Street had been surfaced with asphalt, and the paving of E Street was completed in July 1899. Since from 1885 to 1909 the inaugural balls were held in the Pension Building, every four years the park workmen had to repair damage done to lawns and shrubs. Otherwise the park remained in equilibrium. Occasionally some more trees and shrubs were added, and in 1892, in honor of the encampment of the Grand Army of the Republic in Washington, thirty additional flower beds were created around the Pension Building, the plantings in them representing the badges of the various army corps and of the G. A. R. Also in Fiscal Year 1892, a group of trees and shrubs was placed around an air duct which had been installed by the Office of the Architect of the Capitol in the grounds west of the City Hall. In Fiscal Year 1898 some old gas lamps which were no longer in use were removed. (Though the use of electricity in the park began in the late 19th century, some gas lamps remained into the 1930's.) In Fiscal Year 1900 parts of the iron post and chain fence around the Judiciary Square grounds were removed for use at some of the smaller,

recently improved reservations. On into the early 20th century, the chief endeavors in Judiciary Square were improvement of drainage and maintenance of the paths, roads, and grounds in good condition.

CHAPTER IV. The Judiciary Square Neighborhood in the 19th Century

Judiciary Square and its environs developed together in the 19th century. As the bare common gained useful functions and a certain amount of dignity, the neighborhood gained residents, who pressed for further improvement of the square.[1] Though it had a slow start, the neighborhood grew and improved very considerably between about 1820 and the Civil War, becoming a substantial residential district. In its heyday, in the mid-19th century, its residents included many of the city's leading families and men of national prominence.

Prior to the 1820's there were few houses near Judiciary Square, and the presence of the jail in it kept the price of

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1. Describing in 1860 a great range of improvements which the Federal Government needed to make in Washington, including construction of a new jail and extension of the crowded courthouse, the Commissioner of Public Buildings said, "Individuals are forced by law to make certain improvements to their property for public convenience and accommodation, and when the government fails to act, so far as its property is concerned, in the spirit of the law by which they bound, they . . . complain that the government does not its share towards the improvement of the city." ("Report of the Commissioner of Public Buildings," in Report of the Secretary of the Interior, 1860, p. 488.) The need for a sewer across Judiciary Square, met in 1857, was another such issue.

land low.[2] Sixth Street, to the west, did have at least two prominent residents even then--William Hewitt (register of the city, 1811-38, secretary of the Board of Aldermen, 1812-38), and Charles Bulfinch, one of the chief architects of the Capitol.[3] All sorts of activities took place within a few blocks of Judiciary Square early in the century. On Louisiana Avenue east of Sixth Street stood the popular public baths. Over them was the "long room," the scene of entertainments and meetings; close by was "McGurk's jail," a three-room building used for a time as a jail and, until 1861, as a slave pen. A circus building stood at 4 1/2 and C Streets, and in 1820 the American Theater was built on Louisiana Avenue. (This theater later became the Assembly Rooms, and during the Civil War was the Canterbury music hall, popular with soldiers.)[4]

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2. From "a half cent per foot to 5 cents" (James Croggon, "Old Washington. Judiciary Square--Part II," Washington Star, May 10, 1913--one of the major sources of information on the neighborhood).

3. Ibid. See also Douglass Zevely, "Old Residences and Family History in the City Hall Neighborhood," in Records of the Columbia Historical Society, 6 (1903), 104-22, and 7 (1904), 146-69, for further details of the growth of the neighborhood.

4. Croggon, Star, May 10, 1913.

When it became known that the City Hall would be built on Judiciary Square, real estate prices rose gradually but permanently; and in the following years, the vacant spaces, especially westward, were rapidly improved.[5] Several churches were built near the square, including Bulfinch's handsome Unitarian church at Sixth and D Streets, built in 1821, which John Quincy Adams, Daniel Webster, and Henry Clay attended; and the city's first synagogue was built at Sixth and G Streets in the early 1850's.[6] The corner of 4 1/2 Street and Louisiana Avenue across from the City Hall was chosen for a new Masonic Hall in about 1826 because of its central location.[7]

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5. Ibid.

6. Neither these buildings survives. Other churches in the neighborhood were the First Presbyterian Church on 4 1/2 Street (said in 1830 to be in an improving neighborhood (Jonathan Elliot, Historical Sketches of the Ten Miles Square Forming the District of Columbia, (Washington, 1830), p. 221)), the Wesley Chapel at Fifth and G Streets (built 1826, replaced 1856), Trinity Episcopal Church on Fifth between D and E (built 1828), and the German R. C. Church of St. Mary on Fifth north of G (built 1846, replaced by the present building). Trinity Church later had a Gothic brownstone edifice at C and Third (built 1851), and the Metropolitan M. E. Church had another brownstone building on C Street (built 1854-69), attended by Presidents Grant and McKinley. See Fremont Rider, general ed., Rider's Washington (New York, 1924), pp. 131-41; and Croggon, Star, May 10, 1913.

7. The lower floors of the hall were used for amusements and dances. It later became a private home, occupied for over twenty years prior to 1870 by Joseph H. Bradley.

This was "a neighborhood of consequence" when Chief Justice Roger B. Taney of the Supreme Court lived on Louisiana Avenue for some years before his death in 1864, and by the time of the Civil War "most of the notable people of the city" lived in it.[8] Among the nationally prominent residents were Senator Thomas Hart Benton, Chief Justice Salmon P. Chase, and Daniel Webster. Henry Clay and John C. Calhoun also quartered there. Camaliel Bailey, the courageous editor of an antislavery weekly paper, lived and worked in the neighborhood: it was in his paper, the National Era, that Uncle Tom's Cabin first appeared.[9] Members of the Columbian University medical school, like members of the bench and bar and clerks in the nearby Patent Office, found it a convenient place to live, and hotels and boarding houses flourished as well as private homes.[10]

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8. Francis E. Leupp, Walks About Washington (Boston, 1915), p. 277; and reminiscences quoted in the Star, October 31, 1903, which said, "The eminent lawyers naturally sought residence in the [City Hall's] neighborhood, and within a stone's throw were housed most of the notable people of the city"--and cataloged 27 prominent Washington families who lived there. See also Rider's Washington, pp. 131-41.

9. Croggon Star, October 31, 1903; Dr. Charles Noble, "More Memories of Washington," Washington Post, December 5, 1926.

10. Donald A. Craig, "Municipal Court is Considered Ionic Masterpiece," Sunday Star, November 2, 1930.

In the 1870's and following, the Judiciary Square neighborhood began to decline as the center of town shifted north and west, and it became "a quiet backwater scarcely touched by modern growth."[11] What had been homes became lawyers' offices and commercial buildings in a process of slow change extending into the 20th century.

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11. Rider's Washington, p. 131, which adds that "Most of the old houses, full of historic associations, are still standing" [in 1924]. That is true no longer. Whatever remained in the blocks just south of Judiciary Square gave way to the Municipal Center in the 1930's (though plans for the center were not fully carried out, and consequently there is a parking lot now where notable houses once stood). A concrete mall took the place of what was in the 19th century a pleasant, tree-lined part of John Marshall Place (or 4 1/2 Street); see old (undated) stereoscopic view of the street as seen from the City Hall, showing the Lincoln Statue on its high pedestal, old houses, churches, and rows of trees, in the Library of Congress (Division of Prints and Photographs, Geographic file - Stereo D - drawer 23, under "D. C. Statues").

CHAPTER V. Public Use of Judiciary Square in the 19th Century Before the Civil War

Before the Civil War the citizens of Washington put Judiciary Square to use in a variety of ways, finding it a convenient place for various sorts of public events--political gatherings in front of the City Hall, inaugural balls in temporary buildings, a mechanical fair (on or near the square), a trade fair, and in early years, even circuses. Thus Judiciary Square served as the site of events of city-wide interest long before it became a highly developed neighborhood park. Most if not all of these events took place in the southern part of the square, the first part to be developed; for a time the northern part remained "an open common, where the stone for the Patent Office was cut."[1] Since not even the southern part had received much improvement as yet, there was little harm in erecting temporary buildings upon it.

As long as the City Hall housed the municipal government (that is, until 1873), large public meetings were commonly held in front of it, and undoubtedly the largest public role of Judiciary Square in those years was as a gathering place for protests to the city government, political discussion, formation

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1. George Rothwell Brown, "Capital Silhouettes," Washington Post, March 13, 1924, in City Hall clippings envelope, vertical file, Washingtoniana Room, D. C. Public Library.

of committees to take up local problems, and special occasions.[2] Religious meetings occasionally took place in the City Hall, and since the Central Tippecanoe Club of Washington occupied two rooms in the City Hall around 1840, it was there that the club members and the Whig mayor welcomed William Henry Harrison when he arrived in Washington for his inauguration in 1841.[3] The City Hall also housed the officers of the Chesapeake & Ohio Canal Company for some time around 1836, and some rooms were used as armories for the guns of the old Columbian Artillery. The square was long a place of muster for militia.

Judiciary Square was the scene of three inaugural balls before the Civil War, all held in large temporary buildings erected solely for that purpose near the City Hall. (This was necessary since there was no hall in the city large enough to hold more than 600 persons.) The earliest was the "Grand Inauguration Ball" put on by the Whigs to celebrate Zachary Taylor's inauguration in 1849. As frequently happened in the pre-Civil War period, there were several rival inaugural balls that year--two others besides the Whigs' ball, one of them a

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2. There are scattered references to such meetings in Bryan, 2.

3. Bryan, 2, 255; Leupp, Walks About Washington, p. 173; and Noel, Court-House, p. 105.

ball "without distinction of party" and the other a military ball. Harrison visited all three, going last to the one on Judiciary Square, which was attended by the diplomatic corps in court dress. The "dancing saloon" stood behind the City Hall, connected with it by covered passages. The Council Room and the Aldermen's Hall served as the banquet rooms.[4] James Buchanan's elegant inaugural ball in 1857 was likewise held in a temporary annex to the City Hall. "The interior was decorated with the flags of all nations, and the ceiling was of white cloth, studded with golden stars, which twinkled as they were moved in unison with the measure of the dancers below, and reflected the blaze of light from large gas chandeliers."[5] The scene of Lincoln's first inaugural ball, the "Union Ball," was the "white muslin Palace of Aladdin" (a plank structure with its interior walls covered with muslin) erected behind the City Hall. The Common Council chamber and the courtroom were used as dressing rooms for the guests. While Governor Shepherd and a large number of other prominent

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4. Concerning this and other inaugural balls, see clippings, including "Balls of Former Days," Star, March 3, 1885, and various contemporary newspaper accounts, in vertical file, Washingtoniana Room, D. C. Public Library. See also William Tindall, Standard History of the City of Washington (Knoxville, Tenn., 1914); and Inaugural Committee, 1901, "Official Souvenir Program" ("Inauguration--1789 - 1901" on spine).

5. Benjamin Perley Poore, Perley's Reminiscences of Sixty Years in the National Metropolis (2 vol. Philadelphia, 1886) 1 515-16.

Washingtonians spent "a large fortune" preparing the ball, it was sparcely attended and left a large deficit.[6]

In 1844 a great mechanical fair took place in a large frame building erected near the southwest corner of Judiciary Square; a new reaper and the newly invented sewing machine drew crowds of curious people.[7] In the spring of the following year, a national business fair was held in a large cloth-covered pavilion on the square. This had been organized by Washington businessmen in what proved to be an unsuccessful effort to attract outside investment capital for the commercial development of the city. The wares on display came from many states and attracted "thousands of visitors." The fair provided an occasion for an Odd Fellows' parade with gay floats filled with orphans dressed in white.[8]

After the Civil War

After the Civil War, or more properly, after the Judiciary Square grounds had been improved in the 1870's, public use of the square changed. No longer a catch-all for temporary structures, the square was at its height as

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6. Leech, Reveille, p. 46; Star, March 3, 1925.

7. Proctor, Sunday Star, August 30, 1936, p. F-6, quoting an account by Croggon.

8. Constance McLaughlin Green, Washington, Village and Capital, 1800-1878 (Princeton, 1962), p. 157.

an attractive park, full of trees, curving walks, and flower beds.[9] Inaugural balls continued to be given in Judiciary Square, but only one, that for Ulysses S. Grant's second inauguration in 1873, took place in a temporary building; the court of the new Pension Building provided the setting for others (four in the '80's and '90's and three more in the 1900's).

The large, gaudily decorated temporary ballroom for Grant's inaugural ball (a canvas and laths structure 350 by 150 feet in size), cost $40,000 to erect, but the heating system failed on the cold, windy night of the ball. The guests had to wear their wraps, the one hundred or more canaries in birdcages in the ballroom suffered from exposure, and the elaborate supper was neglected in the rush for hot drinks.[10]

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9. In the 1870's the part laid out with paths and flower beds was "a veritable old-fashioned flower garden of zinnias, petunias, 4-o'clocks, prince's feathers, lady slippers, and geraniums . . . [with] many beds of portulacas." Boys played ball where the Pension Building now stands. (Reminiscences of Washington Topham, quoted in Proctor, Sunday Star, August 29, 1937. p. F-2.)

10. Leupp, Walks About Washington, pp. 213-14; "History of Inaugural Balls Dates Back to Madison's Day," Star, March 3, 1925. For a view of the cluttered decor, see Frank Leslie's Illustrated Weekly, 36, March 22, 1873, Supplement, pp. 34-35; and for a full description see "Balls of Former Days," Star, March 3, 1885, which remarks, "It was the aim of the ball managers to cover the entire wood work and make the whole building an illuminated mass of decorations."

The first inaugural ball given in the court of the Pension Building was that for Grover Cleveland in 1885, which took place before the building had been wholly completed. It is said to have been "a brilliant affair, at which the Old South turned out in elegance and great numbers." Apparently the setting met with approval, for all the subsequent inaugural balls through 1909 were held in the Pension Building--for Presidents Benjamin Harrison, Cleveland, McKinley, Roosevelt, and Taft. These balls had much in common. They were generally very lavishly decorated with flowers and greenery, including potted palms. A hugh canopy, or on occasion broad streamers, hid the ceiling and its metal beams and girders. That great novelty, the electric light bulb, was used as much for decoration as for illumination, particularly in the pillars of the galleries or otherwise employed to give a glittering effect.[11] There were always musicians, of course,

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11. After McKinley's inaugural ball of 1897 it was remarked that "The electrical features in previous years of this notable event, while frequently of an artistic and decorative character, never amounted to much from an illuminating standpoint, but this year the aggregation of no less than 150,000 C[andle] P[ower] in electric lights, at an expense of over $5000, made the vast room . . . brilliant to a degree never heretofore dreamed of." (Louis Denton Bliss, "The Electrical Features of the Inaugural Ball," American Electrician, 9 (1897), 77--in vertical file, D. C. Public Library, Washingtoniana Room, in envelope marked Inaugurations, McKinley, William, 1897, 1901.)

to play for the dancers and promenaders--often bands led by famous men like John Philip Sousa (the Marine Band) or Victor Herbert. These balls were generally too crowded for dancing, so the participants slowly moved about to the music, conversing and observing the scene, and when they had a chance, gazing at the new President. The character of the inaugural ball had changed considerably since the days before the Civil War. Some observers in the late '90's lamented that the dignified balls of the old days, attended by the President and Vice President and local society, had become showy events which attracted great numbers of strangers; others commended the democratic character of the latter-day balls.[12] After Taft's ball in 1909 (the most crowded of all, apparently, though it was

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12. One writer remarked that "although it has grown so much larger and more splendid, the function has declined in local interest. Anybody can go who can buy a ticket; three-quarters of the people are strangers and pilgrims, and it has become merely a show." He added that the Pension Bureau officials had been "in a state of continual and violent protest" ever since the building had first been used for the ball. (Quincy Forbes, "The Inauguration of a President," The Illustrated American, December 26, 1896, p. 11) On the other hand, Richard Harding Davis's description of McKinley's ball of 1897, in Harper's Magazine, 95 (1897), maintained "It was the people's ball, and the manners of the people as contrasted with those of that same "society' which is chronicled in the papers were much the finer of the two. They were not afraid to enjoy themselves, and they were genial and unaffected and genuinely polite . . . ." (p. 353). (Clippings in ibid.)

also remembered for its glamor) the custom lapsed for several terms, later to be revived as a charity ball.

CHAPTER VI. Twentieth Century Alterations in Judiciary Square and the Weakening of Its Identity as a Park

The salient feature of the twentieth century history of Judiciary Square has been the expansion of the District of Columbia court system in the square--the construction of four more court buildings therein and the consequent changes in the grounds, including the construction of parking lots. This has meant a major change in the nature of the square, seriously compromising its role as a park, while increasing its involvement in the city's official functions.

A Period of Balance

The change did not come all at once. A period of balance between alterations reducing the square's role as a park and those enhancing it extended through the 1920's. There were some minor changes early in the century, including grading and sodding of ground on the south, east, and west fronts of the Pension Building following the construction of an area way around the building,[1] and further grading in connection with the widening of G Street by the District Government (which took a five-foot strip off the north side of the park) and the narrowing of the sidewalk along Fourth Street (which added

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1. Annual Report, PB&G, 1903, p. 2540. (See footnote 2 in Chapter III.)

five feet in width).[2] The installation of cement coping plus corner posts at the park entrances took place in 1907 and 1910, with some filling and regrading of the ground. The first large change, the construction in 1908-10 of an annex of the courthouse for the Court of Appeals (see map on page 119) temporarily upset the balanced arrangement of buildings in the park, but the tasteful design of the building and the harmonious new landscaping carried out in 1912 and 1913 around it, with new concrete paths, drives, and beds of shrubbery, were in themselves appealing.

Following this, more minor changes in the grounds took place. The lighting system of the parks in the capital was improved during fiscal year 1912 and 1913, the dim old gas lamps being replaced by somewhat brighter ones which were lighted on September 12, 1912. In fiscal year 1914 Judiciary Square gained a new park lodge, placed near the corner of Fifth and E Streets.[3] The old lodge was torn down in 1915, at which time the grounds near the new one were made into a little park within the park, with walks, hedges, shrubs, trees, and two sand boxes.[4] A small amount of land at the corner of

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2. Annual Report, PB&G, 1905, p. 2637; 1906, p. 2129.

3. Annual Report, PB&G, 1914, p. 1523.

4. Annual Report, PB&G, 1915, p. 3713.

Fifth and G Streets was transferred to the District of Columbia in September 1916 to give a greater clearance for the street car tracks at that corner. More evergreen trees were placed in Judiciary Square in fiscal year 1916 and 475 herbaceous perennial plants in fiscal year 1917. The road pavements, curbs, gutters and sidewalks on E and F Streets through the park were reconstructed in October and November 1918, and the E Street roadway through the park and an eight-foot sidewalk on either side of the road were transferred to the District of Columbia in September 1920, the total width of the transferred land along E Street being 46 feet. The old gravel and asphalt park walks also needed to be replaced, but money for this was not yet available.

In 1916-19 the old Courthouse was restored by the Superintendent of the U.S. Capitol Building and Grounds. The reconstruction did not attempt to fulfill Hadfield's full plan; its purpose was to restore the exterior of the deteriorating structure in the form established in the 1880's, with the utmost fidelity to detail, while remodeling the interior to suit the court's wishes. (There was one change in the exterior--the stucco surfacing was replaced by Indiana limestone.) The Office of Public Buildings and Grounds constructed walks and driveways around the Courthouse, plus a sewer to drain the

walks, in December 1919 and January 1920, following plans approved by the Commission of Fine Arts. The Lincoln statue was removed at this time, but a public outcry led to its being put back, on a lower pedestal, in fiscal year 1923.[5] The Office landscaped the grounds around the Courthouse in fiscal year 1920 and 1921. In the first of these years, when 90 percent of the total project was carried out, 35 tree holes and 36 new beds were prepared, 2 1/4 acres of lawn graded and seeded, and 817 evergreen shrubs, 20 deciduous shrubs, 20 hardy vines, 260 perennial vines, 17 deciduous trees, and 11 evergreen trees planted.[6]

The park acquired two new monuments in the 1920's, the Darlington memorial fountain and the San Martin statue. It may be true, as some say, that Washington has too many statues, but well-placed ones clearly add to the interest of the parks, and this is the case in Judiciary Square. Each of these monuments serves as a focal point for its section of this large park. The Darlington fountain, given to the people of Washington

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5. The Fine Arts Commission decided in 1919 that the statue should be removed, since changes made in front of the Courthouse (apparently including the widening of Indiana Avenue) "placed it out of alignment and it was not a thing to be proud of anyway" (Helen Nicolay, Our Capital on the Potomac (New York, 1924), p. 489). See also Annual Report, PB&G, 1920, p. 4114, and 1923, p. 2052; and Noel, Court-House, p. 109.

6. "Annual Report, PB&G, 1920, p. 4114.

in memory of Joseph J. Darlington, a leader of the Washington Bar, was placed in the southwest corner of the square in the autumn of 1923, with a walk around its base and other walks leading out from it.[7] The golden figures of Diana and her fawn still grace this corner of the park, though the waters of the fountain were shut off some time ago. The statue of the South American liberator José de San Martin, a copy of the statue by Dumont which stands in Buenos Aires, was the gift of Argentina and serves as a reminder of the ties of friendship between that republic and our own. It was erected in the center of the park, with the approval of the Congressional Committee on the Library, in 1925, and unveiled on October 28th of that year, in the presence of President Coolidge (who gave an address), members of the cabinet, the entire diplomatic corps, and other distinguished officials and guests.[8]

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7. Congress approved the action in a Public Resolution of March 3, 1923, and the Joint Committee on the Library approved the site on April 24 upon the advice of the Commission of Fine Arts.

8. Congress approved its erection on public grounds in Washington by a Public Resolution of June 7, 1924; the site was chosen by the ambassador from Argentina, with the concurrence of the Secretary of War and the Chief of Engineers, and the erection of the statue was directed by the Director of Public Buildings and Public Parks of the National Capital, whose office was created in 1925.

The rearrangement of the surrounding grounds took place that autumn, the old asphalt and gravel walks giving way to new gravel walks leading to the statue from E and F Streets (see map on page 119). A couple of years later sewers were installed near the San Martin statue to improve drainage, and the Argentine embassy supplied appropriate plantings to be placed around the base of the statue.[9]

As in the late nineteenth century, the chief maintenance problem in Judiciary Square in the early twentieth century was the repair of the roadways and paths, though the old park lodge was also frequently in need of repairs until it was replaced in 1914, and the edges of the lawns needed special attention. The asphalt roadways on E and F Streets through the park--consisting of thin layers of asphalt on old gravel roadbeds--showed the effect of increased traffic after the nearby Union Station was opened,[10] but despite requests dating from 1913 for an appropriation to reconstruct these roadways they were simply patched from time to time until their reconstruction in the autumn of 1918. In virtually

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9. Letter, F. B. Butler, Assistant Director [Office of Public Buildings and Public Parks of the National Capital], to the Commercial Attaché, Argentine Embassy, January 23, 1931, thanks the Attaché for "taking up the matter of obtaining suitable planting materials to be placed in the vicinity of the San Martin Statue in Judiciary Park." Letter in NCR file, 1460/Judiciary Square, #1.

10. Annual Report, PB&G, 1913, p. 1469.

every year through 1914 parts of the paths had to be resurfaced. Besides partial repairs, major replacements of paths were made in various areas from time to time--extensive repairs around the Pension Building in 1907, alteration of the paths around the Court of Appeals building around 1912, and paths around the Court-House in 1920--but the maintenance funds were insufficient for keeping all the walks in proper condition, especially when labor costs rose after World War I. The request of the Office of Public Buildings and Grounds for $10,000 for new walks in the area between E and F Streets, first voiced in 1920, when the existing walks were already over twenty years old, went unanswered until the rearrangement of the paths around the San Martin statue in 1926. The protection of the park remained in the hands of the park watchman.

Expansion of the Court System in Judiciary Square

During the 1930's and following the broad expanses of Judiciary Square were filled up with court buildings and parking areas. This was the most extensive transformation of the square since its conversion into a park in the 1870's and '80's. The demand for parking space in Judiciary Square had already begun to make itself felt in the mid-1920's. In November 1926 the Office of Public Buildings and Public Grounds of the National Capital established the first parking lot in

Judiciary Square, agreeing to mark off spaces for official cars on the east side of the old Pension Building (which now housed the General Accounting Office), while revoking a temporary permit for parking in the circle in front of the south entrance. It also made changes at the west entrance of the Court House early in 1926, to give the Marshal's vans more space on the driveway.

In the early '30's the parking requirements of the GAO and the District courts became pressing concerns. Parking gained a foothold on the south side of the GAO building in April of that year, when "a small plot of grass and a large mud hole" were converted into a parking space for three cars.[11] The GAO gained eight more spaces at the east end of its building in 1931. In the case of the District courts, an administrative pattern for dealing with the burgeoning parking requirements emerged. While the original intention had been that only the vans bringing prisoners and inmates of the District mental hospital to the court would use the narrow drives (or walks, as they were often called) around the District Court Building, various court officials and employees parked on the drives. Since these were only ten feet wide, passing on them was impossible and

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11. Letter, R. F. Martin, Chief Clerk, GAO, to Director, PB&PPNC, April 26, 1930, and notation thereon; in NCR file, 1460/Judiciary Square, #1.

the grass on the sides took a beating, especially when sensational court cases increased the traffic.[12] In 1930 the Office of Public Buildings and Public Parks of the National Capital widened the drive on the east side of the Court House, as requested by court officials; it also worked out a plan to provide parking spaces for the judges of the D. C. Supreme Court on the north drive, although the Director of Public Buildings and Public Parks of the National Capital and others regretted the intrusion of parking into the park.[13] Finding that his funds could not cover the expense, the Director did commit his office to doing the work if the court would provide funds of its own, which in a few years became a familiar arrangement. The judges settled for having nine spaces marked out for

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12. This happened, for instance at the time of the Teapot Dome trials and the Mary Baker murder trial in 1930 (Memoranda, R. C. Montgomery, Chief, Protection Div., and Superintendent, Park Police, to the Director, PB&PPNC, January 4, 1930, and November 6, 1930, in ibid.)

13. Although the judges swung around to abandoning the plan in June, a busy autumn revived their desire for reserved parking. The Director foresaw drawbacks in establishing limited parking, commenting that "It is not practicable to furnish as much parking space as will be wanted, the desire for parking space is unlimited and seems to increase with the supply of space. If a limited space is provided, it will have to be reserved for certain persons and this will cause hard feelings and a sense of injustice." (Letter, U. S. Grant 3d, Director, PB&PPNC, to Associate Justice Frederick L. Siddons, Supreme Court of the District of Columbia, November 4, 1930, in ibid.)

them on a widened portion of the east drive.[14] When the judges of the Court of Appeals pressed for more parking space in 1932, the Director forwarded the request to the Architect of the Capitol (whose office built and maintained the building), and suggested that office pay for the work, which could be done by the park staff. The office responsible for the parks felt it could not pay for paved areas on the park grounds, though it felt obliged to authorize the construction of a limited amount of paved parking. Given the lack of long-range planning for the parking problem, this led in the long run to a lessening of the power of the park administrators to control the appearance of the park; by 1940 the Park Service was dependent upon the willingness of the city commissioners to seek appropriations for improving the appearance of the parking areas and installing curbing around them.[15]

The basic pattern which emerged in the 1930's was the destruction of grassy areas by motorists, followed by requests

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14. Memorandum for the file, by Superintendent Montgomery, U.S. Park Police, March 6, 1931; in ibid.

15. See letter, Acting Superintendent F. F. Gillen, NCP, to Nathan C. Wyeth Municipal Architect, District of Columbia, September 12, 1940, in NCR file, 1460/Judiciary Square, #2.

that these unsightly areas be paved to improve the appearance of the park and to provide more nearly adequate parking. Not only the borders of the narrow drives around the District Court House suffered in this fashion; so did various grass plots on which motorists parked illegally, particularly areas adjacent to the drives and paved parking areas. At first, the park administrators increased the paved areas very little, fitting into the existing arrangement what supplemental parking they could.[16] Cuts in the appropriations for the parks during the mid-1930's limited their ability to construct paved areas, since more pressing needs, such as the replacement of the existing gas lamps with brighter electric lamps around 1933, exhausted the funds for park improvements. Thus there was no money with which to meet the Chief Justice's request for additions to the paved strip along the east side of the District Court House in 1933, and apparently there was not even enough money to keep the park paths in Judiciary Square in proper condition.[17]

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16. Thus they allowed a few cars to park at the triangle near the northwest corner of the District Court Building and allowed judges of the Court of Appeals to park at the entrance to their building.

17. See letter, U. S. Grant 3d. [Director, PB&PPNC], to Associate Justice Peyton Gordon, Supreme Court of D. C., June 17, 1933, explaining the lack of funds for the paving job; and letter, J. B. Kinnear, Manager, Metropolitan Loan and Trust Co., to Grant,

By 1936 the National Capital Park and Planning Commission and the Commission of Fine Arts had worked out revised plans for a Municipal Center to be located in Judiciary Square and in the blocks between it and Pennsylvania Avenue. This led to the construction of three new court buildings in the square, all of them District of Columbia P.W.A. projects. Congress approved the erection in Judiciary Square of the first of the new buildings, the Police Court Building, in an act of May 6, 1935. Plans for the building were approved by the two commissions, and contractors began construction in the autumn of 1936 for the District of Columbia Commissioners.[18] The National Capital Parks (successor of the Office of Public Buildings and Public Parks of the National Capital) approved

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April 24, 1933, calling attention to the bad condition of the walks and dim lighting of the park. Grant's reply to Kinnear, April 26, 1933, remarked that "The existing gas lights are now being replaced with electric lights." Letters are in NCR file, 1460/Judiciary Square, #1.

18. The Park Service felt it unnecessary to transfer jurisdiction over the site, since Congress had authorized construction of the building in the square. Associate Director A. E. Demaray remarked that "the Supreme Court and the Court of Appeals of the District of Columbia were constructed in Judiciary Square without involving a transfer of jurisdiction." (Letter to Municipal Architect Wyeth, September 16, 1936, in ibid.) The Supreme Court here mentioned was the Supreme Court of the District of Columbia; its name was changed about this time to the District Court of the U.S. for the District of Columbia.

plans for underground utility work, cleared the way for construction, and oversaw operations which affected trees and plants in the square. On September 24, 1936, it transferred to the District of Columbia government a strip of land along the line of F Street, 66 feet wide, including the roadway and two sidewalks ten feet wide. This transfer, which had been approved by the Co-ordinating Committee of the National Capital Park and Planning Commission, enabled the D. C. government to realign F Street through the park, and thus to provide proper space for the Police Court Building and a corresponding building to be built on the eastern side of the park, the Municipal Court Building. The resulting creation of a straight city street where previously there had been a curved park drive deprived the Pension Building of most of the lawn along its south front and necessitated the removal of the fountain which had stood there. The District of Columbia managed the landscaping of the Police Court Building. In preparation for the landscaping, it demolished the park lodge at Fifth and E Streets in October 1937. Contractors did the landscaping in March-May 1938, and the Municipal Architect called upon the National Capital Parks to provide an experienced supervisor for the workmen doing the landscaping.

The other P.W.A. projects followed. In September 1938 the National Park Service gave permission to the Municipal Architect to carry out "a slight modification" of the south grounds of the District Court Building, to enhance the appearance of the building as seen from John Marshall Place, and in May 1941 approved the detailed plans. The District of Columbia government opened bids for the grading and sodding that July.[19] Construction of the Municipal Court and Juvenile Court buildings in Judiciary Square began in the autumn of 1938, completing the symmetrical building plan. Like the Police Court Building, they were constructed and landscaped by contractors for the District of Columbia government. Apparently the landscaping, which in the case of the Municipal Court Building was essentially the same as that of the Police Court Building, was completed in the spring of 1940.[20]

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19. Letters, Acting Director Demaray, NPS, to Municipal Architect Wyeth, September 9, 1938; Irving C. Root, Superintendent, NCP, to Major B. C. Snow, Assistant Engineer Commissioner, D. C., May 1, 1941; and Municipal Architect to Charles E. Stewart, Clerk, District Court, July 16, 1941. (Letters are in NCR file, 1460/Judiciary Square, #1 and #2.) The project, requested by the Commission of Fine Arts, lowered the grade of Indiana Avenue by about four feet, gave a gentle slope to the grounds between the Courthouse and the Avenue, and created a new set of steps.

20. Letters, Municipal Architect Wyeth to NPS, attention [Frank T.] Gartside, December 22, 1939; Patrick H. Tansey, Assistant Engineer Commissioner, D. C., to Edmund B. Rogers, Superintendent, NCP, January 15, 1940; and Acting Superintendent, NCP, January 15, 1940; and Acting Superintendent Rogers, NCP, to Tansey, January 17, 1940. In NCR file, 1460/Judiciary Square, #2.

Construction of the new court buildings intensified the parking problem. During construction of the Juvenile Court a fence enclosing the site blocked access to the drive east of the District Court Building, but the District of Columbia government made arrangements for parking.[21] Even so, the District Attorney's office found itself inadequately supplied with parking space and in November 1938 pressed for additional space. The Park Service was at this time "making a study of the parking problem in relation to the completed plan for the development of the area,"[22] and in December 1938 the Superintendent of NCP gave orders to remove a chain barricade and "set aside reserved parking spaces on the north side" of the District Courthouse, for the office of the District Attorney, with a black top shoulder along the north side of the driveway.[23] A request by the Marshal

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21. It provided a temporary drive (to be made permanent later) from Fourth Street to the pavement east ofthe District Court Building and perhaps a parking area at the southeast corner of the building. (It is not clear from the NCR correspondence files whether or not this proposed parking area was constructed. In any case, parking took place along the drive.) See letters, Municipal Architect Wyeth to C. Marshall Finnan, Superintendent, NPS, October 28, 1938; and reply from Acting Superintendent Gartside, November 3, 1938; both in NCR file, 1460/Judiciary Square, #1.

22. Letter, Under Secretary Harry Slattery, Dept. of the Interior, to David A. Pine, U. S. Attorney, District of Columbia, November 22, 1938; in ibid.

23. Memorandum, Supt. Finnan, NCP, to Mr. Clark, NCP, December 14, 1938; in ibid.

of the District for parking space for 150 automobiles in the park between the Court of Appeals and the Juvenile Court buildings--revealed by the Attorney General's office in July 1939[24]--spurred NCP into further examining and restating its policy. The Acting Resident Landscape Architect felt that "surface parking in this area would not conform with general plans now approved by the National Capital Parks and Planning Commission for development of Judiciary Square," and that since the square was not large enough to provide both extensive surface parking and a decent setting for the court buildings, a policy would have to be formulated "by the responsible agencies" before development of the areas around the courts could be attempted.[25]

The Acting Superintendent of NCP replied to the Attorney General's Administrative Assistant that "upon the completion of the construction of the new court structures in Judiciary

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24. Letter, T. O. Quinn, Admin. Assistant to the Attorney General, to Arno B. Cammerer, Executive Officer, NCP&PC (who was also Director of the National Park Service), July 12, 1939; in NCR file, 1460/Judiciary Square, #2. The letter remarked that "The building program . . . , including the erection of the new Municipal Court Building and Juvenile Court Building, has deprived the marshal's office of space previously available for the judges, district attorney, assistant district attorney, probation officer, deputy marshals and others."

25. Memorandum to Donald L. Kline, Acting Resident Landscape Architect, Gartside, NCP, July 24, 1939; in ibid.

Square, provision will be made for the parking of the automobiles of the ranking court officials and the parking of all other private vehicles within this area will be prohibited," and indicated that NCP would cooperate with the Municipal Architect in planning and enforcing the parking arrangements.[26] NCP officials and the Municipal Architect agreed that a permanent solution would require "the elimination of all surface parking of automobiles within the park and the provision of off-street parking on adjacent private properties," and that perhaps space could be obtained in the garage in the new municipal building then under construction just south of Judiciary Square.[27] In the meantime NCP did what it could to hinder the overflow of parking onto lawns, and sought to carry out its principal of providing limited reserved parking, though the reservation of parking spaces for individuals was not legally binding and so was essentially unenforceable.[28] In July 1941 NCP approved the Municipal

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26. Letter, Acting Superintendent Gartside to Quinn, September 1, 1939, in ibid.

27. Memorandum, Assistant Superintendent Gartside to Gillen, NCP, June 7, 1940; and rough draft of accompanying memorandum from Kline; in ibid. Kline's memorandum surveyed past action and the existing situation. There were then about 58 authorized parking spaces adjacent to the court buildings, but overflow onto the lawns raised the number of parked cars observed on a visit to that part of the square to 110.

28. NCP included curbing in its plans for parking areas in Judiciary Square, to prevent overflow, but this feature

Architect's plan to pave an unsightly area along the west side of the Juvenile Court, which was already being used for parking. But the P.W.A. turned down the request for funds, and the area remained unpaved for some time.

The parking needs of the GAO also required attention, and contributed to the desire of NCP to work out a general policy concerning parking in the square. In 1938 the Park Service decided to grant the GAO's request for an enlarged parking area east of its building. The General Manager of Buildings, NPS, found that there was not enough money to pave it according to plan, and decided to surface it with rolled cinders, emulsified asphalt, and screened slag and to eliminate "the semi-circular driveway sections at each end of the parking area" instead of repaving them. The Branch of Buildings Management of the Park Service paid for

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was generally eliminated from the plans by the office financing the construction, in the interests of economy. When NCP erected guard posts along the driveway at the west end of the District Court Building, three of them were found to interfere with the delivery of prisoners in the large prison vans, and had to be removed. (Memorandum from Alfred E. Beiter, Assistant to the Secretary, Dept. of the Interior, to Demaray, NPS, June 19, 1940.) Concerning the lack of legal force in the reservation of parking spaces, see memorandum, Louis F. Frick, Attorney, NCP, to Senior Assistant Superintendent Gillen, NCP, March 8, 1941. Memoranda in ibid.

the work.[29] This parking lot provided space for 87 cars. The GAO's request in 1940 for another parking lot, at the west end of the building, was not granted.

No major effort to renovate Judiciary Square could be attempted during W. W. II, and the parking problem, together with the related problem of restoring the grounds to an attractive state, remained essentially unchanged. In April 1942 the Secretary of the Interior replied to a request from the Chief Justice of the District Court for an improvement of the condition of the grounds around that court, by voicing hopes that the newly authorized District of Columbia Parking Authority would eventually find a solution for the parking problem of the whole area and that the garage of the new municipal building nearby might absorb some of the parking in Judiciary Square, making it possible to renovate the park.[30] Neither of these alternatives provided any improvement of the situation, however, until well after the war, and few changes were made in the park during it. In September 1942 the Park

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29. Memoranda, Charles A. Peter, General Manager of Buildings, NPS, to Finnan [Superintendent, NCP], January 28, 1939, and February 7, 1939; in ibid. Quotation is from latter memorandum.

30. Letter, Secretary Harold L. Ickes, to Hon. Edward C. Eicher, Chief Justice, District Court, April 15, 1942, in answer to the Chief Justice's letter to the Secretary, April 1, 1942; in ibid.

Service gave permission for the construction of parking spaces on the east side of the Police Court Building and the west side of the Municipal Court Building (35 spaces in all), in answer to renewed efforts of the judges to obtain more space. Funds were to be provided from sources other than the Park Service. But only the Municipal Court parking spaces were constructed, and NCP had to do the work and pay for it itself, in the autumn of 1943.[31] After that, no important changes took place in Judiciary Square until the spring of 1945. Although in 1941 a bill had been introduced in Congress to make use of the site of the old Pension Building for a new District Court building, nothing came of it during the war, and though the proposal was renewed after the war, the court was built on a site on Pennsylvania Avenue.

In April 1945 several of the judges met with an Associate Director of the Park Service and an Assistant Secretary of the Department of the Interior to request needed improvements around the court buildings in Judiciary Square. As a result, some temporary improvements were made, and in turn the judges present at the meeting, headed by a District Court judge, agreed to try to reduce the amount of parking around the

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36. See synopsis of correspondence concerning parking in Judiciary Square, prepared by H. E. Van Gelder, Landscape Architect, NPS, and dated October 28, 1946, and a sheet of notes filed with the carbon copy of the synopsis; in ibid.

courts, though in this they were unable to obtain the cooperation of all the courts.[32] The improvements (designed to improve the appearance of the parking areas and adjacent grounds) were considered temporary because the Park Service anticipated a general rehabilitation of Judiciary Square after the war, preferably including elimination of all parking in the grounds around the courts.[33]

The renovation of Judiciary Square did not actually begin until 1951; in the meantime NCP authorized construction of two more parking areas and worked out plans for revision of the parking arrangements and for renovation of the park. In these undertakings it worked in cooperation with a committee formed in 1946 and consisting of the Clerk of the Municipal Court, the District Marshal, a representative of the Attorney General, and the District Attorney.[34] In March 1947 NCP

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32. Letters, Associate Director Demaray, NPS, to Associate Justice F. Dickinson Letts, District Court, April 21, 1945, and Letts, Attention A. E. Demaray, June 13, 1945, and December 3, 1945; in ibid.

33. Letter, Associate Director Demaray, NPS, to Associate Justice Letts, District Court, April 21, 1945; in ibid. The Associate Director stated that "if post-war planning funds are granted to us in the 1946 Appropriations Act, we will undertake in cooperation with the National Capital Park and Planning Commission to make a general development plan to rehabilitate the park lands in Judiciary Park."

34. Letter, Newton B. Drury, Director, NPS, to Senator Millard E. Tydings, December 17, 1947; in ibid.

authorized the construction of a temporary parking area east of the Criminal Division Building of the Municipal Court.[35] Construction of parking space in this location had been approved in 1943, but had not been carried out because of lack of money.[36] Since NCP still lacked adequate funds for the job, it had to be paid for by the court. The other parking area planned by NCP in this period was one southeast of the Juvenile Court, to provide about 14 more spaces for the deputy marshals. NCP prepared the way for rehabilitation of the grounds by working out plans, in 1948, for a large parking area east of the District Court Building, in which the scattered parking around the courts could be consolidated.[37] After its preliminary plans received the

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35. By this time the Criminal Division of that court was occupying the former Police Court Building, while the Civil Division remained in the Municipal Court Building.

36. As the Acting Superintendent Thompson of NCP explained in answer to the renewed request in 1946, "we have received no appropriations for such work for the past 12 years and with the increased cost of labor and material we have had to forego essential maintenance in a great many places and physical improvement work altogether during the war years." (Letter to Walter F. Bramhall, Clerk of the Municipal Court, November 20, 1946; in ibid.)

37. The desire for speedy rehabilitation of the square increased when the Chief Justice of the District Court and the District Marshal discovered a decomposed dog in uncut grass at the base ofthe building in the summer of 1948. The untrimmed grass was just one aspect of the generall run-down

the approval of the NCP&PC and representatives of the NCP&PC and representatives of the D. C. government, NCP submitted an appropriation request of $23,700 for the rehabilitation, for 1949, and resubmitted it for 1950; Congress granted funds for construction of the parking area in the 1950 budget.[38] The plan had to be altered, however, since in view of the scarcity of parking spaces the judges were reluctant to promise to make no further requests for additional space beyond what was then allotted the courts, and were not all content with the plan of exchanging parking beside their buildings for parking in the southeast corner of the square. At a meeting in March 1950 representatives of the judges and of NCP agreed on a

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condition of the grounds; other matters needing attention were the prompt cleaning up of scattered paper and rubbish, and filling and seeding of bare spots in the lawns. Heavy use and the cost of keeping the temporary parking areas in condition stood in the way of efforts to recondition the park. (Letter, Marshal David C. Williams, U. S. Court of Appeals, D. C., to Irving C. Root, Superintendent, NCP, August 19, 1948; memorandum, Assistant Superintendent Thompson to Chief, Horticulture & Maintenance Division, NCP, August 20, 1948; and record of telephone conversation, August 20, 1948, between District Attorney and Assistant Superintendent, NCP; in ibid.

38. Memorandum, Acting Superintendent Thompson, NCP, to Assistant Secretary Davidson, Dept. of the Interior, July 28, 1949; letter, Acting Director Demaray, NPS, to Hon. Harold M. Stephens, Court of Appeals, January 19, 1950. In ibid. and NCR file, 1460/Judiciary Square, #3.

new plan, to provide three parking areas for the courts which would hold about 166 automobiles in all, in place of the 117 spaces then authorized. (Actually 170 places were created.) One area was to be between the Court of Appeals and Juvenile Court buildings (about 59 spaces), one west of the Municipal Court's Civil Division building (about 47 spaces), and one east of the Criminal Court building (about 60 spaces). All other parking spaces around the courts would be eliminated and no further permits issued.[39] The project was completed, including new landscaping, in the spring of 1951,[40] and NCP added six more parking spaces, along the drive north of the District Court, late that year.

The impending removal of the District Court and the Court of Appeals to the new District Court building on Pennsylvania Avenue made it necessary for NCP to obtain a new agreement in August and September 1952, on the future use of the parking areas near the buildings then occupied

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39. Letter, Oscar L. Chapman, Secretary of the Interior, to Chief Judge Stephens, Court of Appeals, April 7, 1950; in NCR file, 1460/Judiciary Square, #3.

40. Chief Judge Stephens of the Court of Appeals voiced thanks in May 1951 for "the excellence of the new parking and landscaping arrangements on Judiciary Square." (Letter to Associate Superintendent Thompson, NCP, May 26, 1951; in ibid.

by those courts.[41] Accordingly, the judges' parking committee met, under the new chairmanship of the Chief Judge of the Municiple Court, with a representative of the Public Buildings Service present, and decided that authority over the parking in the area between E and F Streets should remain with the Parking Committee, while authority over parking south of E Street should be given to GSA.[42] NCP accepted this arrangement. A few months later the new occupants of the vacated buildings moved in. The Court of Appeals building became the quarters of the U. S. Court of Military Appeals; the Selective Service System shared the old District Court Building with units of the Air Force. NCP made some landscaping improvements

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41. When the judges of the Court of Appeals and the District Court found that there would be insufficient parking space for their courts in the new building, they requested 25 spaces in Judiciary Square, though they had relinquished their claims. On the other hand, the Public Buildings Service in the General Services Administration requested permission to manage the vacated parking lots in the interest of the buildings' new occupants. (Letters, Chief Judge Stephens (Court of Appeals) and Bolitha J. Laws (District Court), to Edward J. Kelly, Superintendent, NCP, August 15, 1952; and letter from Robert C. Horne, Acting Associate Superintendent, NCP, to Chief Judge Stephens, Court of Appeals, August 28, 1952; in ibid.

42. Memorandum, Horne to Kelly and Thompson, September 17, 1952, and letter, Chief Judge George P. Barse, Municiple Court, to Horne, September 22, 1952; in ibid. Horne's memorandum includes a tally of the parking spaces, showing a total of 194, 171 of which were numbered and 23 unnumbered; apparently

on the grounds around the Court of Military Appeals, probably in the spring of 1953.[43]

While the disposition of parking areas around the courts was being worked out, the problem of allowing adequate parking space for the occupants of the old Pension Building reemerged, and the need for rehabilitation of its grounds became increasingly evident. NCP and GSA worked together to meet these problems. In 1952 NCP permitted GSA to construct a new parking lot on the west side of the building; the approved plans included plantings to be paid for by GSA as well as the parking lot. In 1954, when the Civil Service Commission was about to move into the old Pension Building, NCP authorized GSA to maintain and administer the parking lot on the east side of the building. NCP agreed to the addition of one row of 12 spaces in the adjacent cinder-covered area in the northeast corner of the block to provide needed parking

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some of the eliminated parking had been restored. When the Selective Service System moved into the old District Court Building, the GSA assigned spaced on the drives along the north, east, and west sides of the building to it.

43. Alfred C. Proulx, Clerk of the Court of Military Appeals, expressed thanks for landscaping improvements in letter to Chief Horticulturist, George Harding, NCP, April 30, 1953; in ibid.

spaces for the use of the Municipal Court.[44] By October 1960 there were eroded areas and next to no grass on the north, east, and west sides of the building.[45] NCP agreed with GSA that the whole area should be rehabilitated, but could not find adequate funds, and in October 1961 asked GSA whether it would be willing to take over jurisdiction over the whole block, which was which was largely taken up by the building's parking lots and walks. By January 1963 GSA had decided in favor of NCP's initiating the proceedings, provided that the transfer could be accomplished without reimbursement; and in August the Regional Director of the National Capital Region of the Park Service asked the District of Columbia Surveyor to prepare the plat showing the proposed transfer. This plat was sent to NCR in September 1963 to be signed, but the transfer was not completed.[46]

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44. This area had been used for parking by the contractor of the new GAO building erected on the opposite side of G Street, and had not been cleaned up.

45. Memorandum, Rudolph R. Bartel, Chief, Division of Maintenance, to Superintendent, NCP, October 18, 1960; in ibid.

46. Letters, Acting Superintendent Horne, NCP, to R. J. Heyde, Assistant Chief, BMD, North Area, Region 3, GSA, April 28, 1961; William M. Haussmann, Chief, Division of Design and Construction, National Capital Office, to John G. Wadsworth, Regional Director, Region 3, Buildings Division, GSA, October 27, 1961; in NCR file, 1460/Judiciary Square, #3. Also letters

In 1962 the old City Hall-Courthouse was returned to the District government by GSA, and since that time has housed various municipal offices and District judges.[47]

Regional Director Wadsworth, Region 3, PBS, GSA, to Acting Regional Director Horne, NCR, January 4, 1963; Regional Director T. Sutton Jett, NCR, to Francis F. Healy, Surveyor, D. C., August 13, 1963; Healy to Jett, September 11, 1963; in NCR file, D 24, Judiciary Square. (The National Capital Parks unit was renamed National Capital Office and then National Capital Region in 1962.)

47. See "Old Courthouse Sought For D. C. Office Use," Star, April 22, 1962; "D. C. to Get Old City Hall Next October," Washington Post, May 27, 1962, p. B-3 (clippings of both in City Hall envelope, vertical file, Washingtoniana Room, D. C. Public Library); "District's Old "City Hall' to House Court," Star, October 12, 1962; and "Old City Hall to Be a Courthouse Again," Washington Post, November 29, 1966.

CHAPTER VII. Public Use of Judiciary Square During the 20th Century[1]

For at least the first three or four decades of the present century Judiciary Square remained a fairly popular neighborhood park. In the years before and during World War I, beginning in 1904, it was one of various Washington parks in which military bands gave concerts during the summer. As the war approached, Judiciary Square became a drilling ground as well.[2] Open-air religious services took place in the square on Sunday evenings in the summer, apparently beginning around 1913, and the neighborhood also used it for entertainments--a musical and athletic performance by the Columbia Park Boys of San Francisco in 1916, and an entertainment arranged by a Mother Bernadine in 1917. Another such occasion was the supper given there in 1919 for 70 patients from the District's mental hospital, St. Elizabeth's,

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1. For a description of the inaugural balls held in the Pension Building in the early 20th Century, See Chapter V.

2. Index of the papers of the Office of Public Buildings and Grounds, 1907-21, R. G. No. 121, National Archives. (Although much of the correspondence dealing with the use of the park has been destroyed, this index is quite informative.) Various groups, including students of the nearby Georgetown University Law School, the Ordnance Department, men from the Army Medical School, and even the ladies of the Internal Revenue Service, drilled on the lawns of Judiciary Square, with the permission of the Office of PB&G.

by the War Camp Community Service.[3] The neighborhood children continued to play ball in the park, disturbing the judges and others, including genteel ladies who ran boarding houses within earshot. The efforts of the Park Police to deter them had little effect, which was hardly surprising since the school across Fourth Street from the park had no playground. Decades later, in 1945 or so, the chief judges of the Court of Appeals and the Municipal Court arranged to have Fourth Street closed to traffic during school recesses to give the children another place to play,[4] but this gesture of good will did not prevent the ballplayers from using the park lawn along Fourth Street after school. (The bare spots marking the bases are still there today.)

The value of the park as a pleasant place for sitting and strolling remained, though the Depression made heavy demands upon it. In 1931 the Park Police responded to the two-fold problem of dealing charitably with those who spent the night on the park benches while maintaining the decorum of the square during the daytime, by informally installing a park bench alarm system set for 8 o'clock, thus clearing

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3. Ibid.

4. Letter, Chief Justice William E. Richardson of the Municipal Court of Appeals, to Edward Kelley, NCP, June 27, 1945; in NCP file, 1460/Judiciary Square, #2.

the park before the arrival of office workers.[5] The Office of Public Buildings and Grounds installed additional benches in Judiciary Square after a public-minded citizen wrote the Director in the summer of 1932, describing the need:

> There are hundreds of people in this park every night and I am told that many of them stay all night. It would add much to the comfort of this great throng if a few more benches could be placed in the park so that women and children could find a place to sit down in the cool of the evening.[6]

Besides meeting these needs, Judiciary Square continued to serve as a place for public gatherings. Its central portion was one of four areas in the capital where public meetings could take place without prior consent, around 1940.[7]

The abnormally heavy use during the Depression cloaked for a while the gradual decline of the square's importance

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5. Clipping, Washington Times, July 1, 1931, in Judiciary Square clippings, vertical file, Washingtoniana Room, D. C. Public Library.

6. Letters, J. B. Kinnear to Colonel U. S. Grant, 3d, July 1, 1932, and Assistant Director F. B. Butler, Office of PB&PPNC, to Kinnear, July 13, 1932; in NCP file, 1460/Judiciary Square, #1. Kinnear's letter also called attention to the dimness of the gas lamps in the park and the poor condition of the walks. Butler replied "Additional benches will be placed in the park as soon as possible. It is regretted, however, that no other improvements can be made at the present time on account of the economy program and lack of funds." A penciled note on Kinnear's letter says "Additional benches placed."

7. List of the four places, dated November 18, 1940, filed in NCP file, 1460/Judiciary Square, #2.

as a neighborhood park. This decline was due primarily to the transformation of increasingly many nearby buildings from homes and boarding houses into office quarters and commercial buildings, and the outright replacement of whole blocks by governmental buildings (the Municipal building south of the square and the GAO building north of it). Recently the process was carried a step further by the clearance of several blocks along 3rd Street to make way for the central leg of the I-95 Freeway. Judiciary Square no longer has a large role as a neighborhood park, though there are still some people living nearby who use the park, and apparently something of the tradition of using it for neighborhood functions remains.[8] On a weekend afternoon in autumn the square is likely to be quiet and almost empty. On the other hand, on weekdays, particularly at the lunch hour, the square is full of people strolling and in warm weather sitting on the benches. Judiciary Square is now a week-day park, its natural beauty and ornamental features affording pleasure to those who work in the buildings on the square or who pass through it. What

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8. On a Sunday afternoon in October 1967, for example, the author saw a festive religious procession, led by a brass band, which originated at Holy Rosary Church east of Judiciary Square and progressed along G Street to the western limit of the square and back again.

it will be in the future is an open question. Plans for the creation of a subway system in Washington call for the construction of a subway entrance in the center of Judiciary Square. The restful aspect of the square will necessarily be changed somewhat if the paths in the central part of the square become the approaches to a busy subway stop.

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ILLUSTRATIONS

ILLUSTRATION 1

The old City Hall, Judiciary Square, begun in 1820. Photograph antedates the erection of a memorial statue of Lincoln in front of the City Hall in 1868. (Library of Congress).

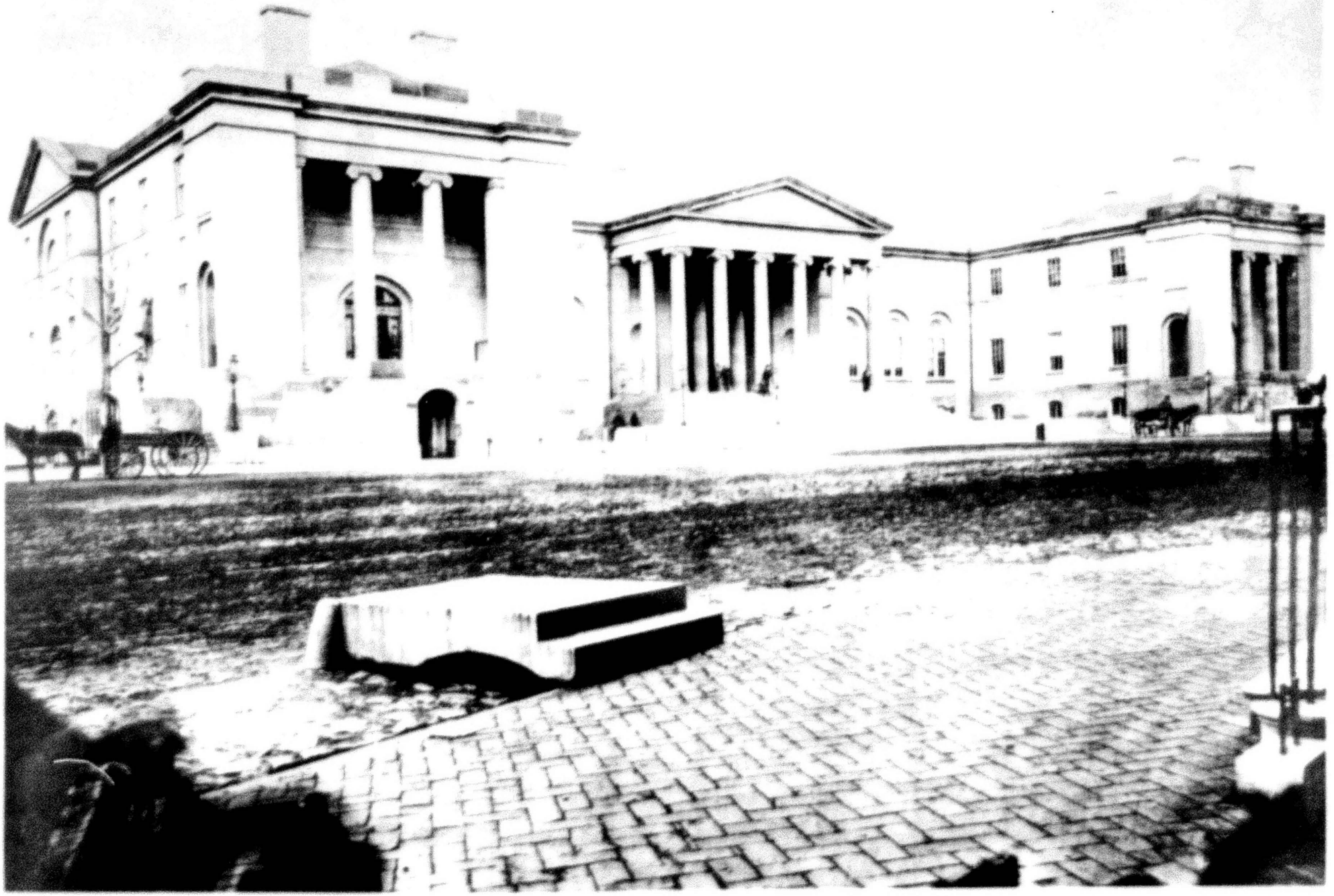
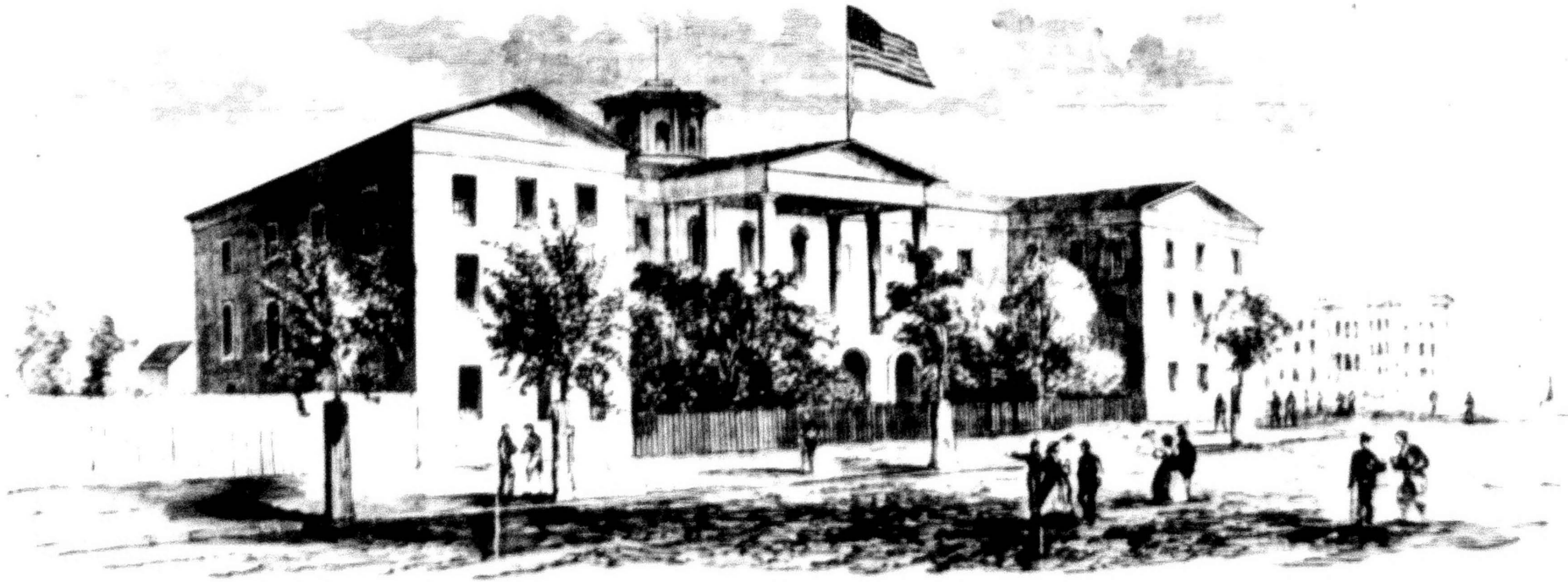


ILLUSTRATION 2

The Washington Infirmary Hospital on E Street in the center of Judiciary Square, where the first Union soldiers wounded in the Civil War were taken. Central part of building constructed in 1802-03 as the two-story Washington County jail; became a hos-in the 1840's. (Wood engraving from Harper's Weekly, August 17, 1861; Library of Congress).



THE WOUNDED ZOUAVE IN THE HOSPITAL AT WASHINGTON.—{See Page 522.}——THE HOSPITAL FOR THE WOUNDED AT WASHINGTON.

ILLUSTRATION 3

Judiciary Square as it appears in the Boschke map of Washington, 1857. The unidentified building in the northwest part of the reservation is the Fifth Street schoolhouse. (Library of Congress, Map Division).

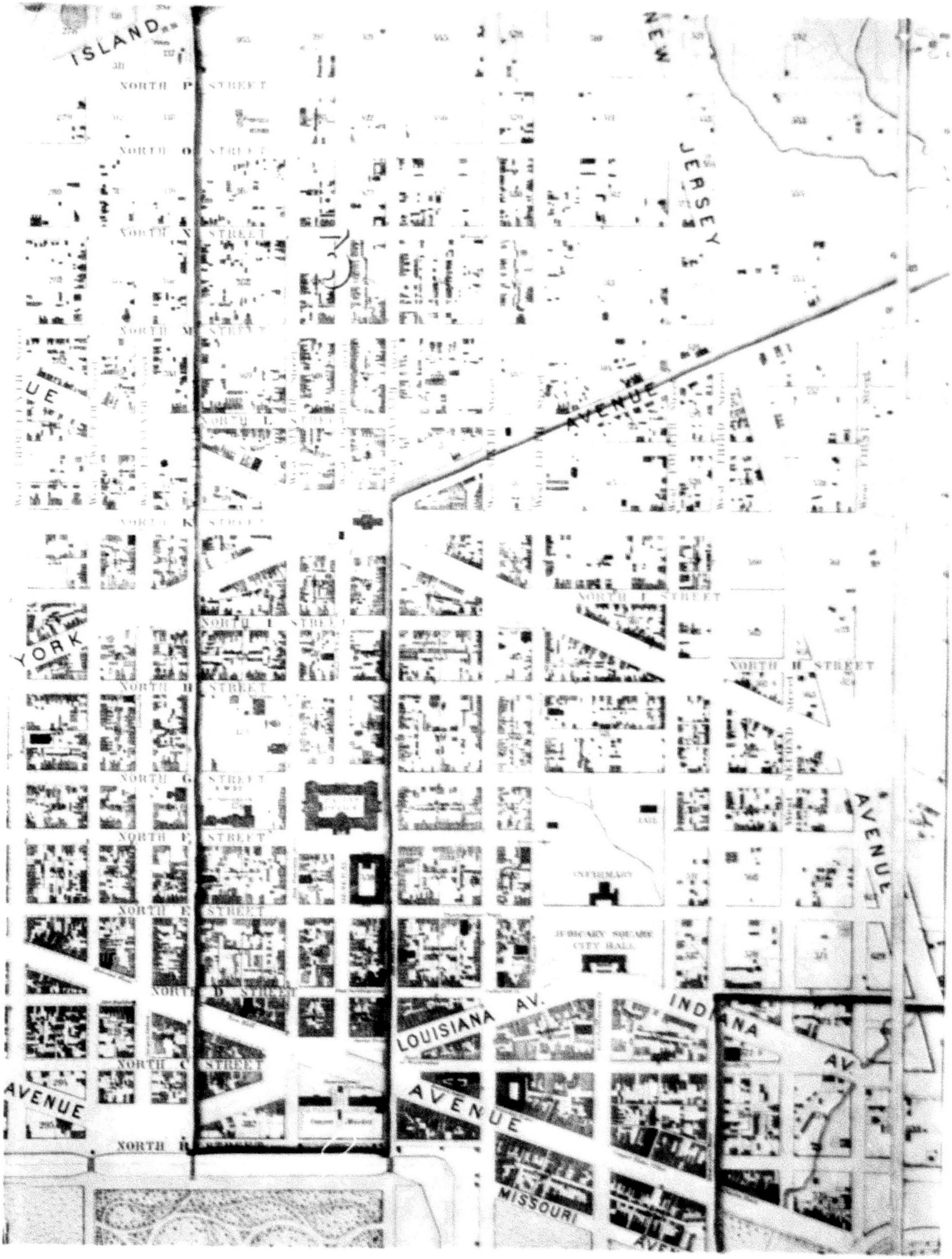

ISLAND
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NORTH O STREET
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NORTH F STREET
NORTH E STREET
NORTH D STREET
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NORTH B
NEW JERSEY AVENUE
YORK
AVENUE
INFIRMARY
JUDICIARY SQUARE
CITY HALL
LOUISIANA AV.
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ILLUSTRATION 4

The G Street Jail on Judiciary Square, built in 1839-40. (D. C. Public Library, Washingtoniana Room).

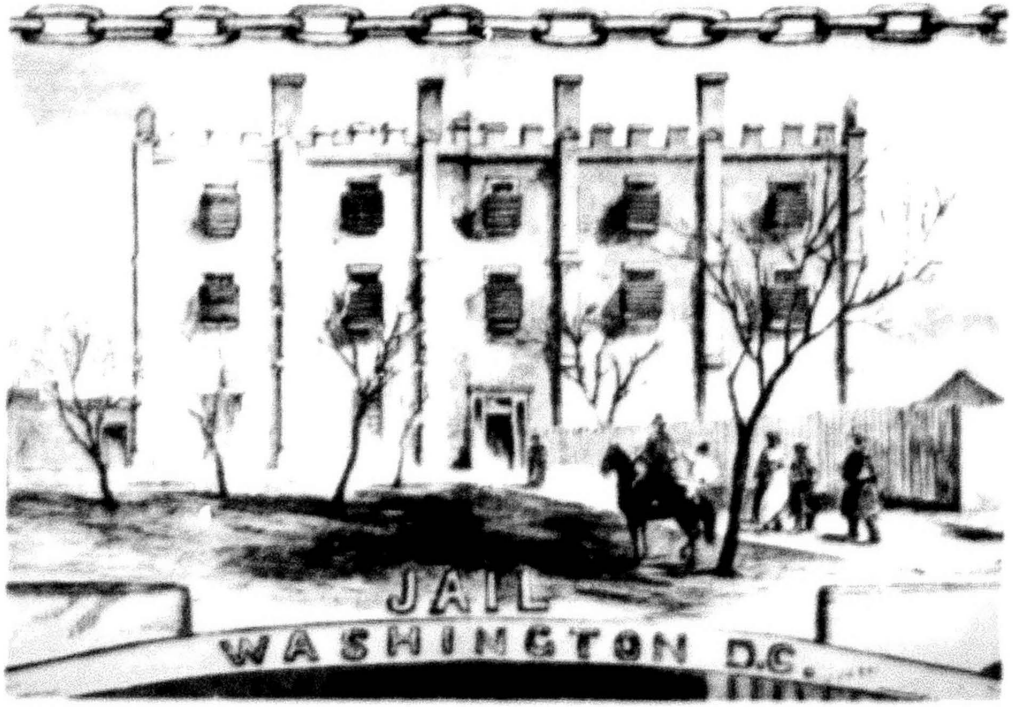

JAIL
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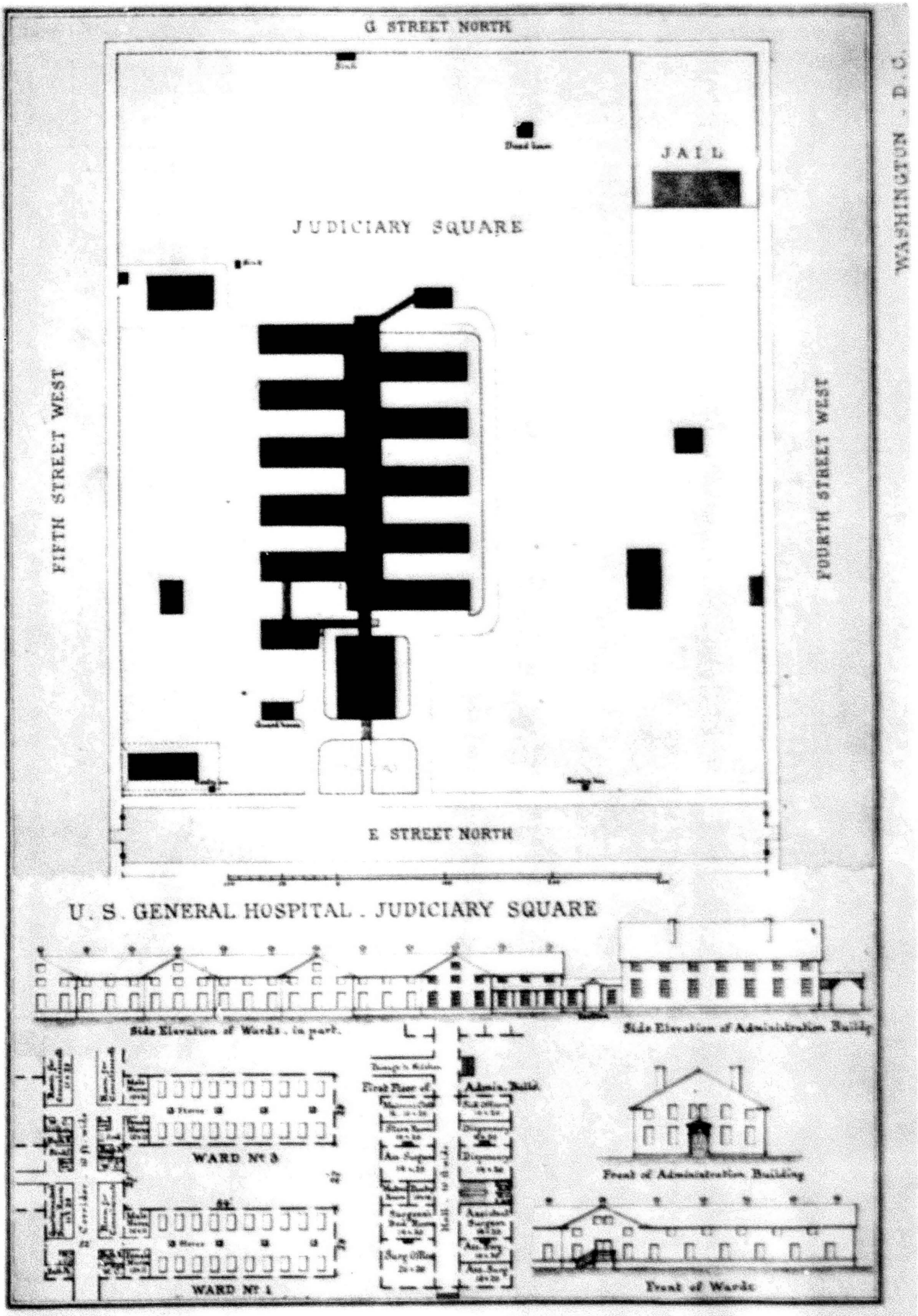
ILLUSTRATION 5

The Soldiers' Free Library and Reading Room erected in Judiciary Square during the Civil War. Engraving also shows part of the army's Judiciary Square Hospital at the left and the west side of the City Hall at the right. (D. C. Public Library, Washingtoniana Room).



ILLUSTRATION 6

Civil War map of portion of Judiciary Square north of E Street.
(National Archives, Cartographic Division, R. G. 92).



Note. Erected by A.M. Gen'l from Plans furnished by Asst. Surg.

Cost of Barracks, fitting up Laundry
Partitions, Stalls, etc. ... $4800.

ILLUSTRATION 7

View of northern half of Judiciary Square in 1884, showing the old park lodge, paths and plantings, fountain, and partially constructed Pension Building. (Veterans Administration photograph, National Archives.)

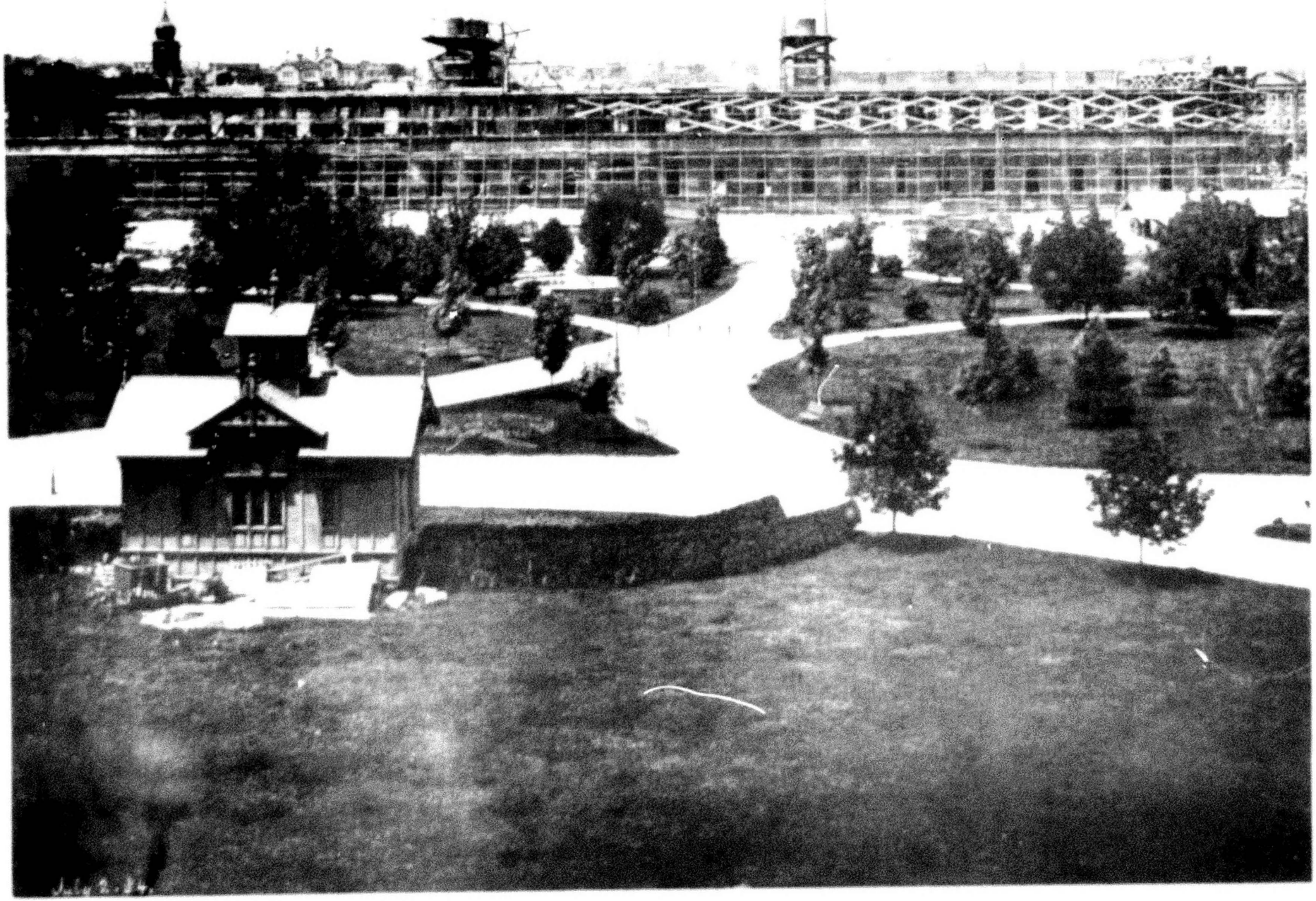


ILLUSTRATION 8

South front of the Pension Building and adjoining grounds before construction of Police Court and Municipal Court buildings and consequent alteration of park. (Library of Congress).

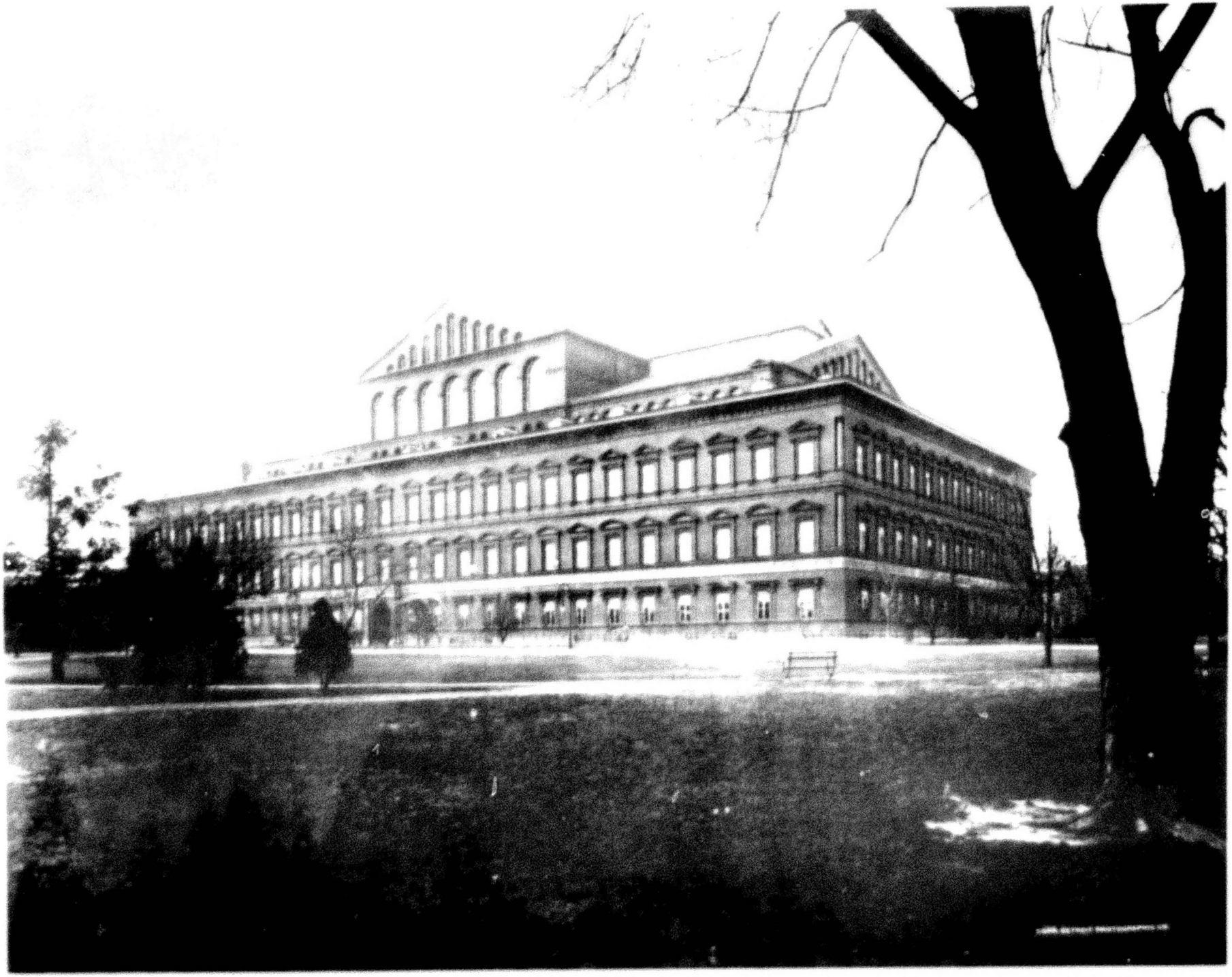


ILLUSTRATION 9

McKinley's inaugural ball in 1901 in the court of the Pension Building. Note the strings of light bulbs festooning the galleries, and the false ceiling, which conceals the iron rafters. (Library of Congress).

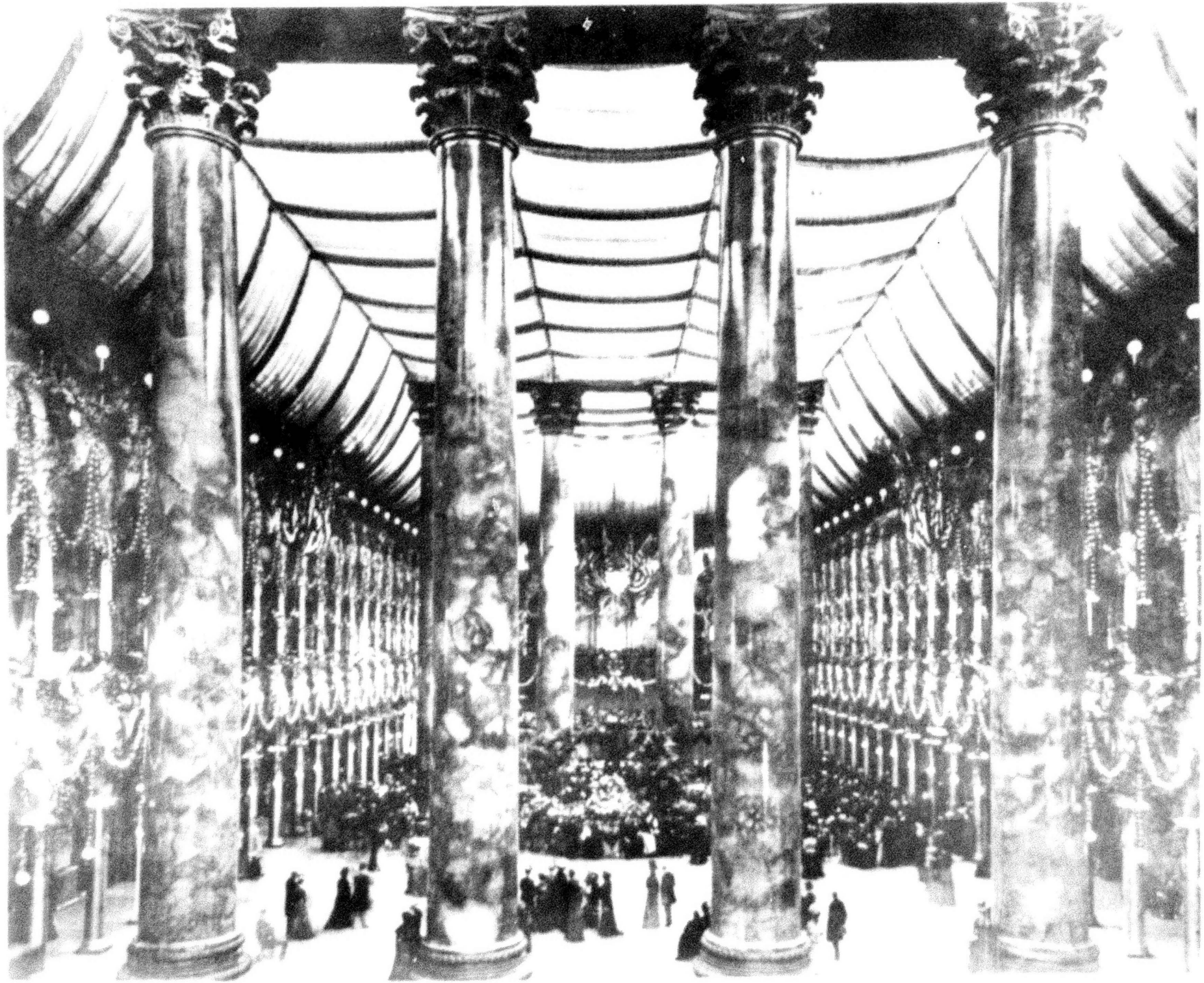


ILLUSTRATION 10

Judiciary Square around 1892. (Real Estate Plat-Book of Washington, District of Columbia, published by Griffith M. Hopkins, 1892; in Map Division, Library of Congress).

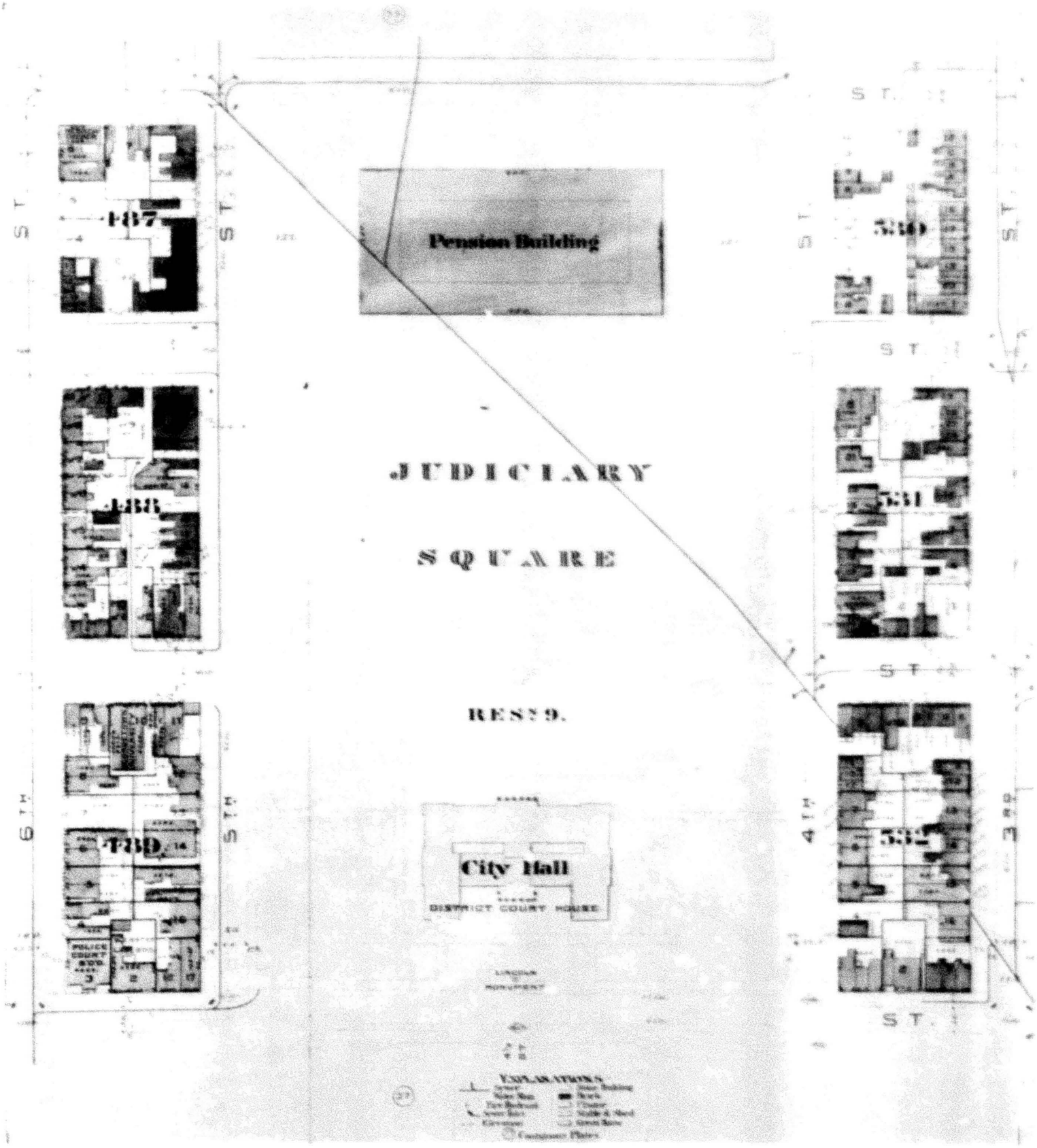

Pension Building
JUDICIARY
SQUARE
RES'D.
City Hall
DISTRICT COURT HOUSE
POLICE COURT AND JAIL
487
488
530
531
532
533
ST.
4TH
3RD
5TH
6TH

ILLUSTRATION 11

Judiciary Square around 1932. (Baist's Real Estate Atlas of Surveys of Washington, District of Columbia, 1932; in Map Division, Library of Congress).

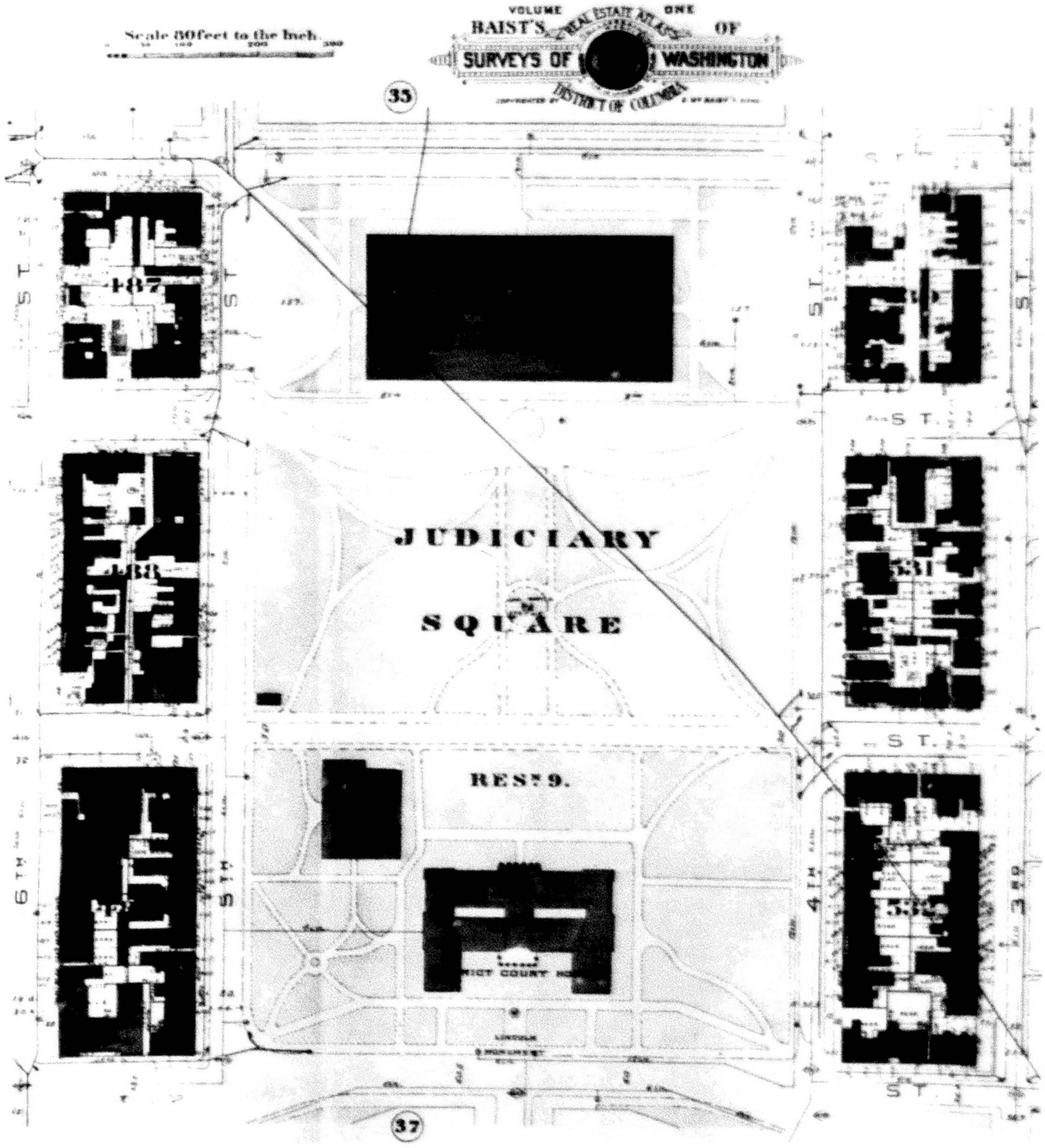
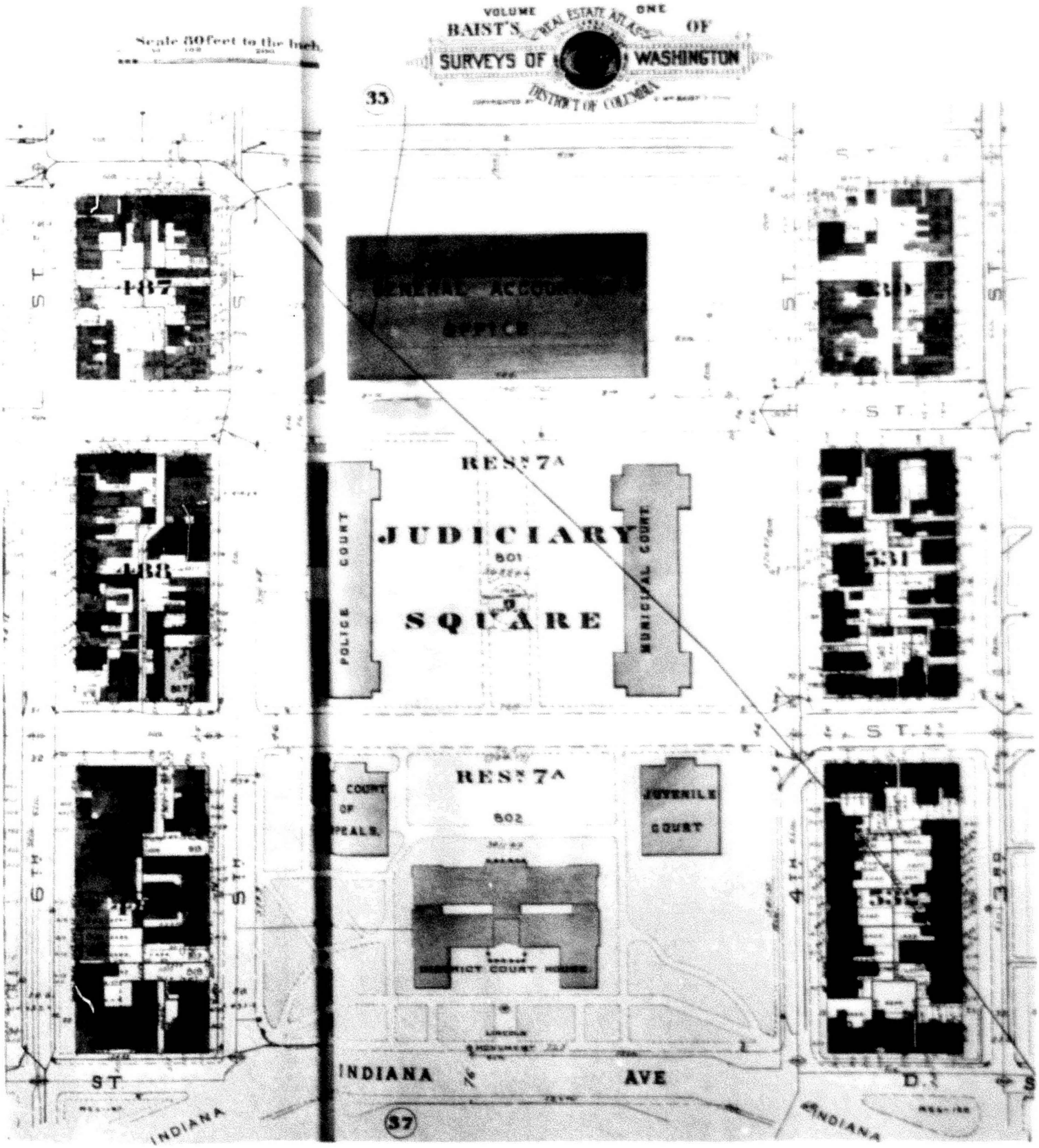

VOLUME ONE
BAIST'S REAL ESTATE ATLAS OF
SURVEYS OF WASHINGTON
DISTRICT OF COLUMBIA
Scale 80 feet to the Inch.
33
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3RD
ST.

ILLUSTRATION 12

Judiciary Square around 1939. (Baist's Real Estate Atlas of Surveys of Washington, District of Columbia 1939; in Map Division, Library of Congress).

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VOLUME ONE
BAIST'S REAL ESTATE ATLAS OF
SURVEYS OF WASHINGTON
DISTRICT OF COLUMBIA
Scale 80 feet to the Inch.
35
487
388
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RES.-7A
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SQUARE
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POLICE COURT
MUNICIPAL COURT
RES.-7A
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JUVENILE COURT
DISTRICT COURT HOUSE
INDIANA AVE
37
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4TH ST