

HISTORY OF THE DELAWARE COUNTY COURT SYSTEM

From its earliest Swedish settlements in the first half of the 17th Century, the territory encompassed by present-day Delaware County has always played a leading role in the social and economic history of the region. The administration of justice has evolved, responding with vitality and leadership to the constantly changing and shifting demands placed upon it. While the “courts” and practice of “law” as we know it today was of lesser significance before the Revolutionary War, the late Judge John V. Diggins described the earliest court history this way:

“Little is known of the methods by which laws were administered or disputes between parties settled in the territory now known as Delaware County prior to the arrival of John Printz to be Governor of New Sweden in 1643, and the establishment of his government on the island of Tinicum. The authority granted Governor Printz by the government of Sweden included the order ‘to decide all controversies according to the laws, customs and usages of Sweden.’ ”



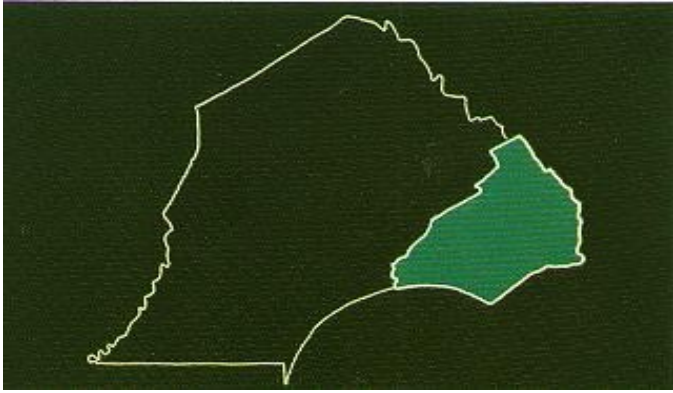
*Delaware County Courthouse
in the 2000's.*

“Governor Printz administered the law at Tinicum. The Dutch overthrew the Swedes in 1655, but continued the court. In 1662, the court was held in Upland. Later the English defeated the Dutch and gained control of the settlements along the Delaware in 1664, and the courts, with their judges and officers, were continued until the grant to Penn and the establishment of his government, at which time William Penn personally administered the courts and practically all cases were adjudicated by Penn and his council, or by township arbitrators influenced by the Quakers.”

The original counties were laid out in November 1682, shortly after William Penn’s arrival in America. Among the counties was Chester County, for which the seat of government was Upland, renamed “Chester” and designated by Penn as a commercial center and seat of county government. It was, notably, to Upland or Chester that Penn summoned the first General Assembly on December 4, 1682 and from which issued the Great Law, the source of many liberties cherished today.

COUNTY SEAT MOVED

Although Chester County included a vast area of nearly 950 square miles, it was well-served by four navigable creeks, namely Chester, Ridley, Crum and Darby, which propelled population to the western reaches of the county. As the western districts were settled, dissatisfaction grew with the location of county government at Chester on the easternmost boundary of the County.



In 1789, the southeastern part of Chester County (shaded green area) became a separate county, calling itself "Delaware County."

After years of dissension and agitation for the removal of county government to a more central location, the county seat was moved by Act of Assembly, March 20, 1780 as amended by Act of March 22, 1784. The county government, including its courts, commenced operation in 1786 in Turk's Head, later to become incorporated as West Chester Borough in 1799.

The removal of the County seat, of course, occurred over the great opposition of the residents of the eastern areas of Chester County, more easily served by Chester. The conflict culminated as an armed force from Chester approached the construction of the new courthouse in West Chester nearly resulting in bloodshed. The actual conflict between the removalists and the Chesterites was prevented only by a well-placed keg of whiskey.

DELAWARE COUNTY ESTABLISHED

The Old Chester Courthouse, built in 1724, was sold in 1788 to William Kerlin. With the tables turned, the Chesterites realized the great inconvenience of having justice dispensed at a distance and petitioned the General Assembly for the division of the east and west territories of Chester County.

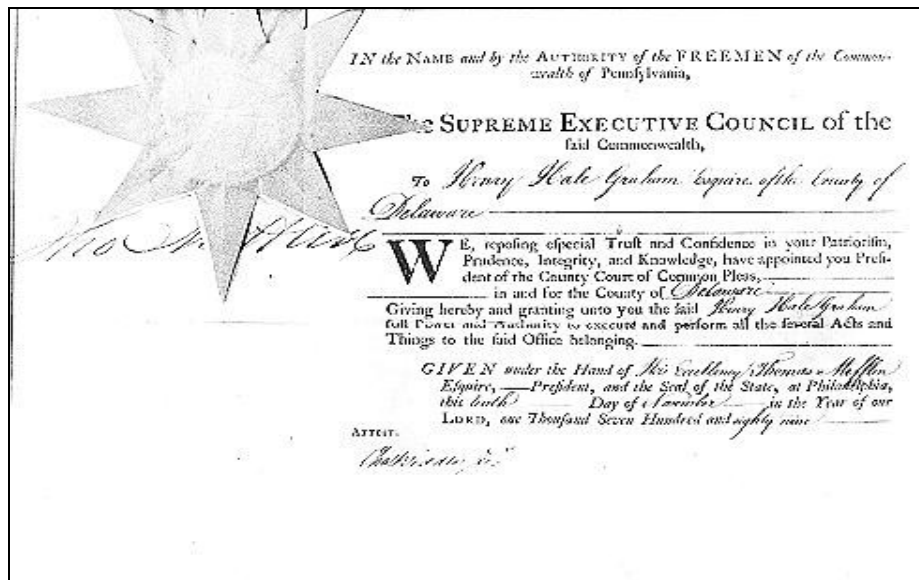


The 1724 Colonial Courthouse in Chester, PA is the oldest public building in continuous use in the nation.

The General Assembly by Act of September 26, 1789 erected a new county, Delaware, from the southeastern territory of Chester County. The same Act reestablished the seat of government at Chester, providing for the repurchase of the old Chester Courthouse from Kerlin. It is interesting to note that the Act itself states that the old courthouse, prison and workhouse are to be repurchased “at a price far beneath what such buildings could be erected for,” showing that the political concerns and public perceptions have not changed much from then to now.

The Act specifically provided for civil and criminal courts and that these courts “shall open, commence and be held for the said county of Delaware, at the courthouse in the said borough of Chester, on the second Tuesday in the months of November, February, May and August, in each year for the dispatch of public business.”

FIRST JUDGE IN DELAWARE COUNTY



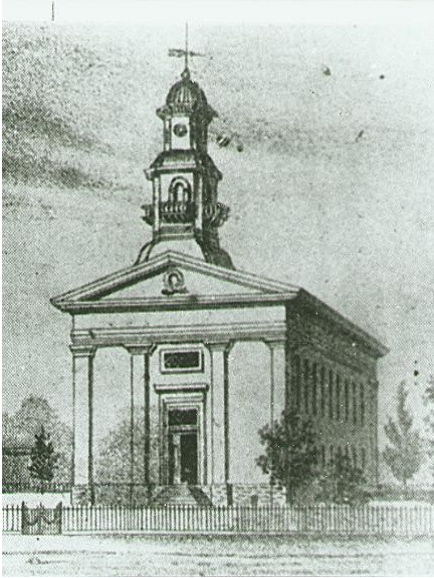
A copy of the document appointing Henry Hale Graham, Esquire as the first Judge “in and for the County of Delaware.”

Under the Constitution of 1776, judges were appointed by the President and Executive Council, and the first judge commissioned for Delaware County was Henry Hale Graham, having received his commission on November 7, 1789. Graham prepared to assume the bench on November 9, when it was realized that the Commission was invalid because he was not a justice of the peace, from where Judges were selected. Accordingly, the first term did not occur as contemplated by Act of Assembly. Rather, in short order after discovery of the error, Graham was appointed a justice of the peace, allowing his commission as judge.

Unfortunately, Henry Hale Graham, a highly respected figure in the county, died in January of 1790 while attending the Constitutional Convention in Philadelphia and did not fulfill his commission. Nevertheless, the court first sat in the newly formed Delaware County on February 9, 1790, which was actually the second term contemplated by the Act of Assembly. Associate Judge, John Pearson presided, *ad interim*.

From 1790, the Court sat in Chester, Delaware County, and judges were appointed pursuant to the provisions of succeeding constitutions, until 1850 when the Constitution of 1838 was amended to provide for election of county judges. It is notable that this amendment has been carried forward in succeeding constitutions and has resisted decades of well-organized campaigns by the organized bar and others to revert to an appointed judiciary.

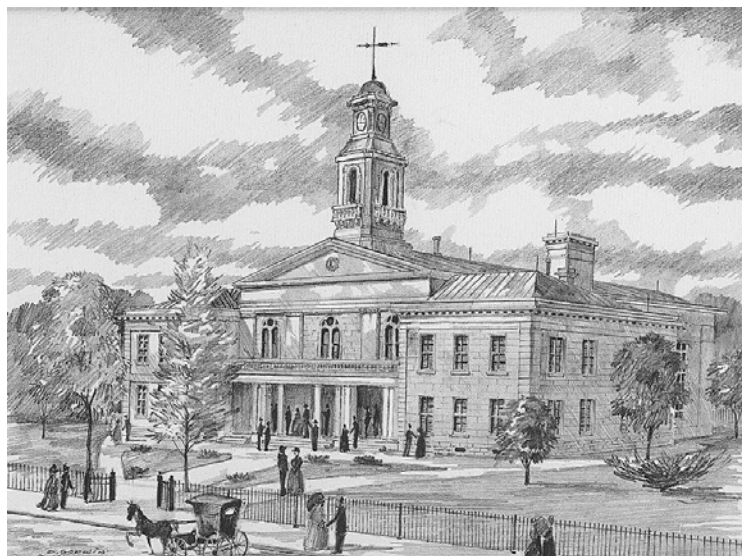
COURT IN MEDIA



1851 Courthouse in Media

In April, 1848, following years of dissension between Chesterites and removalists again, the legislature authorized removal of the county seat from Chester. Later that year, County Commissioners bought land in Upper Providence Township. In 1849, the cornerstone of the new courthouse was laid. In 1850, Media Borough was created by Act of Assembly and, on August 25, 1851, the first court was held in Media.

The original courthouse in Media was constructed at a cost of \$30,000. These funds were raised by the subdivision and sale of lots surrounding the new courthouse site, out of the 48 acres purchased by the County Commissioners from Mrs. Sarah Briggs. Delaware County prospered during the post-Civil War industrial period and, by 1871, the first of many renovations of the courthouse in Media was completed. At that time, wings were extended from both sides of the original structure to house expanding county offices. In 1888, additional wings were constructed to house the continually expanding offices of Register of Wills, County Clerk and Recorder of Deeds.



1872 Courthouse

The center section of the courthouse was erected in 1850 after the county seat was moved to Media, PA. It soon proved to be inadequate, and the wings were built shortly afterwards. The structure is of brick, stuccoed in imitation marble.

A SEPARATE JUDICIAL DISTRICT

Delaware County continued as a combined judicial district with various combinations of other counties as prescribed by law until 1874 when, by Act of Assembly, it was established as a separate and distinct judicial district. The first judge who was truly and exclusively a Delaware County judge was John M. Broomall, who was appointed by the Governor. Judge Broomall was defeated at the next election by Thomas Clayton, who served until his death in 1900. There has followed a distinguished succession of jurists.



First President Judge, the Honorable John M. Broomall, in 1874.

The Court has grown from a single-judge court in 1874 to its present complement of 19 commissioned judges.

It is important to note that since 1960 the population of Delaware County has not grown substantially; however, the amount of crime and litigation has, causing a strain on the judges and the entire court system.



1980 RENOVATIONS

In 1977, extensive engineering studies showed that the many additions and modifications to the original structure had created unforeseen structural problems. The weight of the 1933 Law Library, located on the top floor of the central section had caused structural problems requiring reinforcement of the entire central section of the building. In conjunction with these structural repairs, the remaining, original portions of the Courthouse, and, in particular, the early courtrooms were restored to their original grandeur and luster. In addition, five new courtrooms and six new hearing rooms were constructed. Four of the new courtrooms are oval-shaped, incorporating the latest design. The Delaware County Courthouse, thus, architecturally combines our Court's history with its continuing commitment to the present and future.



***The Delaware County
Courthouse in the
late 1800's.***



***A 2004 watercolor of the
Delaware County
Courthouse painted by artist
Kathleen S. Howell of
Newport, PA.***