

CHAPTER ELEVEN

FIRST COUNTY ORGANIZATION

By the beginning of the eighteen fifties the population of the section now embraced in Maries County had grown so large that agitation began for a separate county. However, it was not until 1854 that definite action was taken to make it effective. The Missouri legislature met on Monday, December 25, 1854, and shortly after it convened a bill was introduced to organize the new county, which was to be called Maries. The bill passed and was approved by the Governor on March 2, 1855, from which time Maries County dates its official existence.

The first paragraph of the bill setting up the new county defines its boundaries as follows:

"All the territory included in the following limits, to-wit: beginning at the southwest corner

of Gasconade County; thence north with the dividing line of Osage and Gasconade counties to the middle of the eastern line of township 41, of range 7, thence west through the middle of township 41 to the range line between ranges eleven and twelve; thence south to the southeast corner of Miller County; thence east to the middle of range ten; thence south to the middle of township 37; thence east on a parallel line to the western boundary of Crawford County; thence north to the northwest corner of Crawford County; thence east to the place of beginning, is hereby created a separate and distinct county for all civil and military purposes, to be called the county of Maries."

By this section of the bill all of township thirty-nine, range seven, the southeastern six miles square of the present county, remained a part of Crawford County, but west of that township Maries County extended nine miles farther south than at present, embracing the City of Rolla and only barely missing Newburg, both now in Phelps County. This only held good a short time, however, because Phelps County was organized shortly afterwards, at which time the boundaries of Maries County were fixed as they are today. Maries County lost some area in the exchange, but gained most of it back by the addition of township 39, range 7, which was cut off of Crawford and added to Maries to partly make up her loss of territory to Phelps.

The second, third, and fourth sections of the Enabling Act provided as follows:

"Peter B. McCord, of Osage county, Jesse A. Rayle, of Pulaski county, and Burton Cooper, of Gasconade county, are hereby appointed Commissioners to select the Permanent seat of Justice for said County of Maries. Said Commissioners shall meet at the house of Thomas Anderson, in said county of Maries, at such time

as they shall appoint, and shall proceed to select the Permanent Seat of Justice for said County of Maries, which Seat of Justice shall be within three miles of the center of said territory. If any vacancy shall happen in the office of said Commissioners, by death, resignation or otherwise, the remaining Commissioner or Commissioners shall fill such vacancy by appointing a Commissioner or Commissioners, qualified as required by law, and shall possess the same power as though originally appointed by the Legislature."

Nothing occurred to change the make up of the Commission, which evidently proceeded with its duties at once, and on July 20, 1855, acquired title to the seventy acres of land on which Vienna now stands from William Shockley and wife, who donated the tract in consideration of the county seat being located on it, it being within the distance allowed from the center of the county for such location. Shockley had entered the land from the government April 2, 1855, one month after the act organizing the county had been approved, but had lived on it just above the Town Spring for several years before that. As further evidence of his interest in the matter his deed provides, after description of land conveyed, 'with right to the public generally to the free use and enjoyment of the spring on the northeast quarter of section 29, township 40, range 9, which is hereby granted to said county and its assigns forever.'

The succeeding sections of the act provide for the appointment by the governor of three persons as Judges of the County Court and one as Sheriff, to hold office until the election of 1856; provides that the Judges of the County and Circuit Courts shall appoint their own clerks, and that County Court shall appoint an Assessor and may appoint a Surveyor; all the appointees to hold office until the next general election; provides that all

Justices of the Peace residing in Maries County, elected or appointed by the counties from which Maries County is taken, shall continue in office; fixed Thomas Anderson's residence as the place for holding the various Courts until the permanent seat of justice is established; and closes by attaching the newly formed county to Osage County for representation purposes. At that time representation in the legislature was based on population, and the General Assembly evidently estimated that the population of the new county did not yet entitle it to a representative of its own. The next legislature, in 1857, was convinced of the error, however, and provided for separate representation for Maries County.

In pursuance of the enabling act the governor appointed V. H. Latham Presiding Judge and A. E. Rowden and Elijah Jones Associate Justices of the County Court, and William Simpson, Sheriff. The County Court appointed W. A. Rowden County Clerk, Edward Moss, Treasurer, John Ayres, Assessor, and Reuben Terrill, Surveyor. W. A. Rowden was also appointed Circuit Clerk and Recorder, the above named persons constituting the new county's first list of officers.

Reuben Terrill's first duty after taking office was that of surveying the seventy acres donated by William Shockley into town lots, which were sold at public auction at different dates shortly after the survey was completed. The proceeds of these sales, together with a 'loan' which the county made to itself of its share of the road and internal improvement funds in its hands, were used to build the first courthouse at the new county seat. This first permanent Seat of Justice was named Vienna for some reason apparently good to the people who conferred the name, but its derivation and the reason for its selection are not known.

The first term of the Circuit Court for the new county was held at the home of Thomas Anderson, now and for many years owned and occupied by Henry Schwartze

Senior, as provided in the Enabling Act, on the first Monday in May, 1855, Judge G. W. Miller of Cole County, presiding. The first term of the County Court of the new county was held at the same place on the third Monday of the same month, but after the law had thus been complied with the next several meetings of both courts were held on the farm of Roysdon Roberson-- afterwards known as the Jesse Crismon farm and now owned by Mrs. Bertha Behm and her children--something over a mile southwest of Vienna. Here both courts met for a year.

By this time Vienna was beginning to take on the appearance of a town, and a building about twenty feet square, standing on the site of the present Masonic Hall, was used until October, 1856, when the first courthouse was completed and occupied. This building was of brick, forty by forty-four feet in size, and two stories high; it stood at the extreme east edge of the present courthouse square, adjoining the street, and a part of the old foundation can still be traced. It was completely destroyed by fire of incendiary origin the night of November 6, 1878, together with all the court records and most of the deed records, only three volumes of the latter being saved.

In spite of the fact that the act organizing the county provided that the permanent seat of Justice should be established and maintained within three miles of the center of the county, the loss of all the county property at Vienna by the fire brought on an immediate movement to remove the county seat to the east side of the Gasconade River. The site selected by the advocates of removal was that for many years occupied by Bowles Chapel, at the junction of the old High Gate-Vienna and St. James-Chamois roads, then the most central point in the eastern part of the county. A petition to vote on the removal was presented to the County Court in 1869, but the matter never came to a vote. Neither is there a record of any action on the petition, so it is likely the

petitioners withdrew it after they became advised of the situation.

At the same time the agitation for removal was going on, preparations were being made for building a new courthouse near the site of the one destroyed. Actual work was begun in the spring of 1869 and completed in 1870, George A. Lett of St. James being the contractor, and J. M. (Myscal) Johnson, Commissioner of Public Works, supervising for the county. The building still stands. The only other property belonging to the county, aside from the poor farm bought several years ago, is the jail, built of stone in 1856-57, still standing and in good repair. The walls are some eighteen inches thick. It contains living quarters for the Sheriff downstairs and a cell and extra room for women prisoners on the second floor.

In general Maries County was organized with as little disturbance as had attended the organization of any new county in the state, the only serious difference arising some few years after Phelps County was organized. The south part of Maries County was taken from Crawford, and then, in a few years, taken from Maries and added to Phelps, these transactions including several school land sections. Money from the sale of these lands had been placed in the various treasuries as the land was sold, but when the area finally settled down in the jurisdiction of Phelps County, that county's officials felt that their schools were entitled to the money Maries County had appropriated. William C. York was appointed commissioner to take the matter up with the Maries County Court, and made the long drive from Rolla to meet with that body, stayed with them the entire week, and landed back in Rolla in bad repair. The only report ever made concerning the whole matter was a verbal one that 'a little cuss named Joe Mosby told the Maries County Court they didn't have to pay a cent because the organization of Phelps County was illegal.' And so the matter rested,