

# Superior Court of New Jersey

CHAMBERS OF  
JUDGE EUGENE D. SERPENTELLI  
ASSIGNMENT JUDGE



OCEAN COUNTY COURT HOUSE  
P.O. BOX 2191  
TOMS RIVER, N.J. 08754-2191

September 9, 1993

## MEMORANDUM

TO: Mary Ellen Ward,  
Coordinator, Volunteer Services

FROM: Eugene D. Serpentelli, *EDS*  
Assignment Judge, Superior Court

RE: Historical Research

Supplementing our communication regarding the above, I am attaching a copy of material which has been compiled by Stephanie W. Babcock. It is my understanding that you have an intern who may wish to carry this forward. I have not read the attachment. Mike Vuocolo tells me that it is rather thorough as to the early history but becomes less complete as it approaches modern time. I would be happy to meet with whomever you might assign the project.

EDS:toc  
Attachment

## THE HISTORY OF THE OCEAN COUNTY COURTHOUSE

On May 10, 1850, the Ocean County Board of Chosen Freeholders met at the Old Ocean House in Toms River to discuss the construction of a courthouse in Ocean County. Three questions had to be answered: Where was the courthouse to be located? How would the courthouse be constructed? Where would the court be held prior to the construction of the courthouse?

All three of these questions were addressed at the first meeting. It was on the third proposal to resolve that day that Joseph B. Coward agreed to deed to the Freeholders a lot in the center of of his land 125 feet by 200 feet on the north side of the road between the Meeting House and Schanck's Mill Road, for the purpose of building the courthouse. The Board also appointed a committee of three, consisting of Messrs. Dunham, Irons and Pridmore to receive proposals and plans for the county buildings and to advertise the same in both of the Freehold newspapers. The building committee placed the following ad in the *Monmouth Democrat* on May 23, 1850:

### Notice to Architects.

THE subscribers, a committee of the Board of Chosen Freeholders of Ocean county, hereby offer a premium of TWENTY DOLLARS, to any architect or mason builder who shall transmit to them at Tom's River, on or before the 1st Tuesday of June next, the best plan for a County Court House, Clerk and Surrogate's Offices, Jail, and rooms for the Sheriff's family, all to be under one roof. Question to be decided, and the premium paid by

Samuel C. Dunham,  
Acron B. Irons,  
John Pridmore,

May 23, 1850.

Committee.

The Board also decided that the first court would be held in June, at James A. Hyres' house, free of charge.

The first court was held on Tuesday, June 4, 1850, with Judge Nevius presiding on the circuit. The Common Pleas Court was also held that day, by Judge Gulick. There was no business in the circuit and the court adjourned for the term that afternoon. The Common Pleas Court, however, spent that afternoon granting tavern licenses. Only one application was opposed, that for

the house of Mr. Pancoast of New Egypt. This case produced considerable interest since it was the first held in the court, and the license was granted after the examination of witnesses and the argument of counsel. The newspapers reported that the court was well-attended and that perfect order and sobriety prevailed.

#### **Planning the Construction of the New Building:**

The Board of Chosen Freeholders met again on June 5, 1850. The Board found itself in negotiations with Joseph B. Coward for the land on which to build the municipal buildings. The Board created a committee of Messrs. Francis, Nutt and Falkenburg to ascertain what Captain Coward would want for 25 feet more land in the front and 100 feet more in the rear, in addition to the property already offered. Coward appeared before the Board later that day and proposed that he would choose one man and the Board would choose another to ascertain the value of the property, and if they could not agree, then the Board would choose a third person as an umpire. Mr. Coward's proposition was accepted, and that afternoon Mr. Snyder reported that the Board was to give captain Coward \$200 for the property required. On the motion of Mr. Irons however, it was resolved that the matter would be held over until the next meeting of the Board.

The Board also appointed a committee, which consisted of Messrs. Snyder, Irons, and Falkenburg, to draw instructions for the buildings committee. This committee advised the building committee to visit the Hudson County public buildings and other buildings of like character, and it also suggested that the building committee obtain information regarding the cost and the character of the building materials generally employed and to make a report of such to the Board at their next meeting. The committee further suggested that the building committee try to get a plan of the Hudson County building from the architect, if possible. At the June 26, 1850 meeting, the building committee reported back to the Board of Chosen Freeholders as follows:

The Ocean-County Board of Chosen Freeholders

"The undersigned appointed at your last meeting, the Building Committee, have agreeably to instructions and as far as time and

circumstances would permit, visited various Public Buildings for the purpose of selecting therefrom the most suitable model by which to erect those for this county. Among others visited, for that purpose, were those of Hudson County. The plans on which those buildings were constructed in unanimous opinion of your ( ) elsewhere; the outlines being both simple and economical in construction with the exception of front pillars or shafts of sculpture, which though very beautiful and attractive. And perhaps in their location may be indispensable, being in such close proximity of some of the specimens of the most finished orders of architectural as well as the greatest emporium of modern style and taste.

But when contrasted with our locality, may with propriety be substituted with something of a plainer style of workmanship and thereby comport as well with the condition, population, and society of our county.

The Grand Jurors Room, being provided with an Anti Room attached for witnesses, is considered by your committee a worthwhile arrangement and an indispensable appendage when the comfort, convenience and dispatch of business of Grand Jurors are taken into consideration, are particularly recommended by your committee as well worthy of imitation here.

The Court Room has all the appearances of comfort and convenience with taste and luxury combined.

The style of finish being of Ionic Corinthian orders, in which much taste for the fine arts are displayed, might also with propriety be omitted here for reasons above stated; and when taken in a pecuniary point of view, would become a matter of important weight.

Usefulness, convenience and durability being supposed to be the most important point of consideration in a location such as ours.

The Clerk's and Surrogate's Offices with Anti Rooms attached are also, in the opinion of your committee, approved plans; as also the Petit Juror Rooms. A more correct idea of which of you of the drafts will more readily convey.

The Prison also is a well-calculated Building but on a larger scale than would be compatible with our wants here having at least Twenty-Eight cells with fixtures in proportion.

The plans for construction of both Court House and Prison, your committee with hesitation, recommend adoption when simplified and brought to correspond with the wants and condition of this county.

As to the probable cost of Building materials, your committee have come to no definite conclusion. The prices of present (specially of Lumber) being deemed no criteria on which to found an opinion. The

general impression that future prices will range considerably lower than the present. Iron is more stationary as is also stone, a good article of which can be obtained at about three shillings per ton or perch. The rates of freight, your com. made no inquiry as that would without doubt can as well if not better ascertained here.

Through the politeness of Mr. Gilchrist, the courteous and gentlemanly Clerk of Hudson County (whose urbanity and deportment to your committee is worthy of all praise) they are able to lay before you the drafts of the said Hudson County Court House from a knowledge of which you will the more readily comprehend the utility of adopting or rejecting the same.

All of which are hereby most respectfully submitted.

William B. Hill

E.A. Schriver

Samuel Oliphant

The Building Committee"

After adopting the report, the Board passed a series of resolutions regarding the structure and dimensions of the courthouse. The Board first determined that the courthouse, jail, and sheriff's department must be separate buildings. The Board further determined that the size of the courthouse be 46 feet in front and 46 feet deep and that the first story of the courthouse be 9 feet and the second story 20 feet high. The building committee was then increased by an additional number of people from each township - Messrs. Bennett, Falkenburg and Dunham were added. The Board also decided that the building committee should perfect a plan for the courthouse and draw up specifications and advertise for proposals; thus the building committee put forth the following advertisement in the *Monmouth Democrat* on July 4, 1850:

#### To Contractors and Builders.

SEALED proposals will be received, until the fifth of August next, at ten o'clock, A. M., for building a Court House, by contract, at Tom's River, Ocean county, N. J. Dimensions 46 ft. by 66 ft., Brick Wall, 30 ft. Court Room, Clerk's and Surrogate's offices, Grand and Pettit Jurors Rooms, together with all other internal apartments, thereunto appertaining. To be finished in a plain stile of workmanship. A draft of the whole plan of which may be seen by calling on Samuel C. Dunham, Esq., Tom's River.

By order of the Board of Chosen Freeholders,  
WILLIAM B. HILL,  
Cl'm of Building Com.

July 4, 1850.

The questions of purchasing additional property and determining exactly

where the courthouse would be located remained. A June 26 vote on whether the Board should purchase the additional property from Mr. Coward resulted in a tie. The following day the Board adjourned for half an hour to consider the possibility of changing the site altogether. Following this adjournment, Mr. T.W. Ivans offered to give a lot free along with 60,000 bricks, and Mr. Elijah Robbins' estate offered a lot on the new road leading to the Methodist church for \$50. On August 6, the Board received a communication from Mr. Joseph B. Coward stating that he was willing to give the required area of land to construct the county buildings. On the motion of Mr. Oliphant, Mr. Coward's communication was accepted, and so the Freeholders authorized the clerk to cancel Mr. Ivans' deed and Mr. Robbins' offer and accepted the deed presented by Mr. Coward. The town's businessmen, however, were greatly agitated, protesting that the site was too far from the center of town and that the town would never grow to it. The Freeholders felt that the 300 yards to Coward's property was no great distance, and the lot that Ivans had proposed to give was on the south side of the river anyway.

There is little information available regarding the actual construction of the courthouse, as issues of the *Monmouth Enquirer*, *Monmouth Democrat* and *Ocean Emblem*, as well as the Board of Freeholders' minutes, are missing. What is known is that on May 11, 1850, the Freeholders voted to build the county buildings out of brick as opposed to wood, and on August 6, 1850, they voted to make the courthouse 50 feet in front and 72 feet deep, as opposed to 46 by 66 feet. The Board also let the building committee decide whether the outer walls would be finished with stucco. Bricks for the new courthouse were brought from Haverstraw, New York, by schooners and unloaded at the docks at Water Street, where teams of horses then carted the bricks to the building site.

There is some question as to when the courthouse was actually completed. There is evidence that it was used during the summer of 1851 - the Freeholders voted to allow the Bible Society to use the courthouse on June 4, 1851. The first court session was apparently not held until September of 1851, however, with

Judge James C. Nevius sitting. For some reason, the subsequent June and September court terms were not held in the courthouse, but rather at James Hyres' house, for the cost of \$10. The Freeholders' minutes show that they did not recognize the courthouse as being complete until June 13, 1852.

#### The New Courthouse and Jail:

The courthouse was completed in a Greek Revival style of architecture, its facade adorned with six fluted Doric columns. The large courtroom comprised the second floor of the courthouse, and two jury cells flanked the entrance to the courtroom. There was a straight flight of stairs from the first level to the second. The County Clerk's and Surrogate's offices were in the rear of the building.

Additionally, a brick jail and sheriff's residence, built in a Federal/Greek Revival style, was completed in the courtyard behind the courthouse in 1851. Interestingly, the ten jail cells in which prisoners were incarcerated were attached to sheriff's family's house. The jail housed both men and women - mostly thieves, swindlers and drunks, and a few murderers - but rarely were there more than two prisoners confined at any one time in the early days of the jail. Inmates were not required to perform any labor, and they were provided books to read and meals to eat by the sheriff and his family. The jail was somewhat infamous for the escapes from it - two prisoners pulled out bricks from under a window and crawled out to freedom, and another dug up the flagstones in the floor and escaped. In fact, the jail was equipped with a bell, rung to alert the village <sup>when</sup> that a prisoner had escaped.

#### The Renovations:

By the summer of 1870, the courthouse was in such a state of disrepair that the June 22, 1870 issue of the *Courier* asked,

if there should happen to be a large gathering in our Court House some day, and if this gathering should get to stamping pretty hard on the floor, and the whole thing should fall in, it is quite likely someone would get hurt, perhaps killed. Who would be to blame?

The Ocean County Board of Freeholders had met on June 17 at the courthouse to discuss the matter of the repairs of the courthouse and jail. The committee on

public buildings was directed to make such repairs as they deemed just and proper for the security of the buildings. The July 13 issue of the *Courier* noted the concern that something should be done to protect the county buildings against loss by fire. The article pointed out that the offices where the deeds, mortgages and other valuable papers were kept were unsafe, and if a fire occurred that destroyed the papers, they could not be replaced. In response to this problem, the Freeholders advertised proposals for building separate fire-proof buildings for the Clerk and Surrogate's office. Such an advertisement is found below:

**NOTICE TO CONTRACTORS.**  
Sealed proposals will be received by the subscribers, on Wednesday, the 18th day of July next, at the office of William L. James, at Toms River, for building a County Clerk's office, and Surrogate's office, adjoining the Court House at Toms River, Ocean County.  
Plans and specifications will be shown on Tuesday, the 6th day of July, and thereafter, until Wednesday, July 13th next, at the office of William L. James.  
Proposals will not be received unless accompanied with two securities satisfactory to the undersigned.  
THOMAS HOOPER,  
Clerk of the Board of Freeholders,  
Toms River, June 21st, 1870.

On July 20, the *Courier* noted that the Freeholders were to hold a meeting at the courthouse on the 21st; a speculation about possible repairs stated, "we hope they will not attempt to cut up the 'pigeon wing' for it would bring the crazy old structure down about their ears." The August 24th *Courier* reported the Board of Freeholders meeting on August 18, stating that its meeting was exciting at the "old rattletrap of a courthouse, which is tumbling down as fast as it can. In fact, on Saturday a large quantity of plastering did fall." The article also said that Mr. Thomas Hooper was a "persistent advocate of the alterations and repairs in order to save the structure from premature dissolution." The sum desired to be raised for the renovation was \$15,000, but a compromise was effected which allowed the committee on public buildings to spend \$10,000 on the courthouse, enough to save it. Appropriations were thus set for the repairs of the courthouse with the intentions of making it "worthy of the name of a court house."

The September 28th issue of the *Courier* provides a detailed account of the



repairs at the courthouse:

The repairs are going on quite briskly at the Court House. The stairs have been taken out, and half circular stairs to be substitute in their stead, which are placed at the main entrance. The Court Room will remain as it is, but the two jury cells which flank the entrance to the Court Room have been taken away, and two handsome light, well-ventilated rooms are to be substituted in lieu thereof for the use of the 'gentlemen of the jury'. This is all that is proposed upstairs. Below stairs, the County Clerk's and Surrogate's office are to be brought forward to the front of the building, and entrances are to be had thereto from the outside. The Clerk's office will be upon the west side of the entrance with a door leading into the outside verandah of the Court House. The Surrogate's office will be upon the east side of the main entrance with a door likewise leading into the outside verandah. Doors will be cut from the offices into their respective vaults thus leaving them, so far as access is concerned, entirely independent of the main Court Room. The Grand Jury Room will be in the room now occupied by the County Clerk and the present Surrogate's office will be occupied by the Freeholders, or the Court Chambers. This arrangement will be a very good one, and will enable the entire building to be fastened up when not in use, without interfering with the business of the Clerk's and Surrogate's offices. The convenience of this arrangement will at once convince all concerned in County business, of its economy, feasibility and durability. We understand that this plan was suggested by Mr. John L. Hulme, to Mr. R.H. Conover, of Plumstead, who was a Freeholder and member of the Committee on Capital Public Buildings by whom it was brought before the Capital Committee and adopted. It will be a great improvement over the existing state of affairs in the County Court House. We also learned that the entire structure is to be painted outside and inside. Let the march of improvement go bravely on.

The October 26 *Courier* states that the improvements are going rapidly and that Mr. Bowers, the overseer, is moving the project along.

On November 23, the *Courier* mentioned the addition of a "Grecian Bend" to the courthouse:

The Court Room is being enlarged by adding a projection in the rear, 'a la Grecian bend'. It will add very largely to the capacity of the Court Room, drawing a large portion devoted to jury, bench and bar into the auditorium. It is quite an improvement. In the first story of the Grecian bend, is a good size room for the sheriff's office. Underneath in the basement, a heater is to be put in so as to heat the Court Room above.

Similarly, the November 30th issue of the *Courier* stated:

The Grecian Bend at the courthouse comes on finally as it approaches completion. That 'Grecian Bend' will soon become a popular institution, I think, when the Court Room comes to be used again in January next.

On December 14, the *Courier* said that the building committee was pushing the work on the courthouse along: "Bristol's Grecian Bend begins to look very cozy and becoming."

The January 4, 1871 issue of the *Courier* stated the following:

The Court House is fast approaching completion, and we understand will be in order for the Courts next week. It certainly is a gem and one of the finest court-houses in the capital state. Twenty new slips have been added to the auditorium thereby accommodating 100 additional persons. The space occupied by the Bar is also contracted, so as to throw the stoves into the audience apartment, and now the people can have access to the stoves while the stoves remain. The 'capital Grecian Bend' has been fashioned into a beautiful alcove, where the Judges can sit in majestic dignity. A heater has also been placed in the new basement, to warm the court room. Persons from the 'rural' districts will hardly know the establishment and few there would desire it back again to where it was a few months ago. It is, indeed, a thing of beauty.

Fine, pleasant apartments have been provided for the Grand and Petit jurors and we reckon that the jury for January will not like a certain jury last May, sing 'here in a prison cell I sit,' but will enjoy themselves so long as they discharge their duty impartially and conscientiously.

The offices, too, have been brought forward to the front of the building, so that they are more accessible, more pleasant, and decidedly more convenient than ever before. The stairs by which to ascend to the Court Room are now more cheerful and well-lighted. Under the old style, one was reminded, on climbing them, of exploring some vast coal mines, so gloomy was the sight.

These improvements, of course, cost money, but then the court house is put in such fine order that it will hardly need another outlay for ten or fifteen years, and public buildings, if not taken care of, will soon go to the dogs. We do think the county is no poorer in this outlay.

On January 18, the *Courier* made note of Judge Scudder's comments during the opening of the January court term on the 17th. Judge Scudder complimented the Freeholders for making the necessary repairs. He was especially pleased by

the addition of at least one-third more capacity to the court room, furnishing independent offices for the Clerk and Surrogate distinct from the court house, and installing a heater which in raw weather will keep the rooms warm and comfortable, avoiding the noise of feeding stoves during court time as well as doing away with all dust and ashes. The article noted that,

several doubt if he had thought of it, he would have cautioned all persons hereafter from defacing the walls, cutting names on the seats, and otherwise marring the appearance of the rooms under a penalty of indictment and punishment.

The article stated that there were still plans to be carried out in the reparation of the court house; therefore, even though court was in session, the court house was not yet complete. The March 29 issue of the *Courier* stated the following:

Our Court House is now nearly completed. From one of the most unsightly buildings we had among us, it has become one of the handsomest edifices in our state. The Court Room itself is a gem of beauty. The ceiling and walls have been frescoed in a most workmanlike manner, and looks as cheerful and smiling as a reception parlor. Bristol's Grecian Bend is a decided feature, and adds largely to the comforts and convenience of the Judges, the Bar and the people attending. Fine carpets have been laid upon the floor, new chairs and tables have been provided, the slips have been painted, and everything is in perfect keeping. In the presence of so much taste and beauty, one can hardly realize that he is in the stern temple of Justice, where erring mortal is made to do right, and punishment awarded to the guilty. Ocean can safely brag of her rejuvenated Court House.

The Freeholders held an auction on Saturday, April 1, 1871, at 2:00 P.M. in the courthouse yard. The auction was of lumber, plank, lath, bricks, and other material left over from the repairs of the courthouse. An ad was placed in the *Courier* on March 29 by Thomas Hooper, chairman of the Building Committee, and the auctioneer was E.H. Wilkes. On April 17, the Freeholders authorized the Building Committee to put the courthouse yard in order and to erect suitable water closets for the convenience of the county. On May 9, the Freeholders authorized the Building Committee to use its own discretion in furnishing the room in the rear of the courthouse known as the Sheriff's room and also to use

the flagging now on hand for the sidewalk in front of the courthouse. The statement of receipts and expenditures of Ocean County for the year ending May 10, 1871, showed that the amount paid in bills for the repairs of the courthouse totaled \$10,101.69.

The refurbished main courtroom held approximately 250 persons. The judge's bench was made of black walnut and was elaborately carved. The walls and ceiling were covered with an elaborative decor scheme with ribbons, birds and cupids, favorite devices of the Rococo period. The benches for the audience were plain and straight-backed, and the railing between the spectators and the court was made of black walnut.

#### From 1870 to the Present:

The courthouse itself and its adjacent buildings have served as the county "hall of justice" and place of county government business for nearly 140 years. In addition, the courthouse has also been the center of town social activity and has been used for political gatherings - both the Republican and Democratic parties have held their conventions in the courtroom, and it was the scene of Union rallies during the Civil War.

By 1900, six small outbuildings had been added to the original lot of the courthouse and Sheriff's Office, including a carriage house and a latrine, as well as a water tower and a windmill.

The old jail was overflowing with prisoners and thus was torn down in 1921, and workers found a cache of tools which apparently were to be used by a prisoner in an attempt to escape. A new, two-story, twenty-eight cell jail was then constructed of concrete, brick and steel; each cell had running water and its own toilet. Window guards were also installed outside the windows, and a new warden's residence and jail office were built. Opened on June 18, 1921, the new jail had cost \$75,000 to complete.

Some changes were made to the Old Sheriff's Office in 1923, as it was renovated in the Colonial Revival style of architecture, and a Hall of Records was built in 1926. Since 1939, the Old Sheriff's Office has been used solely as office

space, rather than as a sheriff's residence and jail as in the earlier days.

As the population of Ocean County grew during the twentieth century, so did the need for additional courtrooms and other public county services; the 1851 courthouse became the central feature as West and East Wings were added to it and enlarged in the 1950s and '60s. New and expanded jail facilities had to be built in the late 1950s to keep pace with the ever-increasing crime rate in the county, worsened by the influx of traffic from the just-completed Garden State Parkway. Continued growth led to the need for a fourth facility - the \$24 million Ocean County Justice Complex was completed in 1986, with a jail capable of housing 200 prisoners. Located on its fourth floor, the jail has visitation rooms and an outdoor recreational area on the roof; the offices of the County Sheriff and under-sheriffs located just beneath it, on the third floor.

The Justice Complex also houses four courtrooms on its first two floors, plus Assignment and Superior Court Judges' Chambers, a Jury Assembly area, Grand Jury Room, Law Library, Interview/Deposition rooms, and the Court Administrator's Office. The historic 1851 courtroom is still in use today, with the Honorable Eugene Serpentelli occupying its chambers.

## REFERENCES

- ( ), Ed. "The History of the Ocean County Courthouse." Files, Judge Eugene Serpentelli.
- Miller, Pauline S. "Jail Facilities in Ocean County." Ocean County Cultural and Heritage Commission, August 1986.
- \_\_\_\_\_. "Old Sheriff's House Report." Ocean County Cultural and Heritage Commission, November 28, 1989.
- \_\_\_\_\_. "The Ocean County Courthouse." Files, Official Historian of Ocean County.
- Watson & Henry Associates. Historic Structure Report for the Old Ocean County Sheriff's Office of Toms River, Ocean County, New Jersey. Bridgeton, New Jersey, January, 1992.

### PREPARED BY:

Stephanie W. Babcock  
Ocean County Vicinage Volunteer  
August 1993