

MS-580: Julius Maranze Papers

Collection Number: MS-580

Title: Julius Maranze Papers

Dates: 1799-1971 (bulk 1940-1958)

Creator: Maranze, Julius, 1913-1978

Summary/Abstract:

The Julius Maranze Papers deal with the legal disputes surrounding Dayton's Old Courthouse and Cooper Park, resulting from the manner in which the properties were conveyed by Daniel C. Cooper in the early 19th century. Julius Maranze and his wife Pauline were leaders in the efforts to preserve the Old Courthouse and Cooper Park.

Quantity/Physical Description: 0.75 linear feet

Language(s): English

Repository:

Special Collections and Archives, University Libraries, Wright State University, Dayton, OH 45435-0001, (937) 775-2092

Restrictions on Access:

There are no restrictions on accessing materials in this collection.

Restrictions on Use:

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Preferred Citation:

[Description of item, Date, Box #, Folder #], MS-580, Julius Maranze Papers, Special Collections and Archives, University Libraries, Wright State University, Dayton, Ohio

Acquisition:

The collection was given to Special Collections & Archives by the Montgomery County Historical Society in November 1991.

Separated Material:

One copy of the Dayton Power & Light, Annual Report 1957, was removed to the SC&A Pamphlet Files.

Other Finding Aid:

The finding aid is available on the Special Collections & Archives, Wright State University Libraries, website at: <http://www.libraries.wright.edu/special/collectionguides/files/ms580.pdf>. It is also available in the OhioLINK Finding Aid Repository at: <http://ead.ohiolink.edu/xtf-ead/>.

Revisions: Finding aid revised according to DACS by Lisa Rickey, January 2017.

Processed by:

The collection was processed by Stephen Kahn, March 1994; revised by Lisa Rickey, January 2017.

Arrangement:

The collection consists of two series:

Series I: Old Courthouse Conflict

Series II: Cooper Park Conflict

Biographical/Historical Note:

Julius Maranze (1913-1978) was heavily active in local public affairs in Dayton, Ohio, for over 30 years. In the 1940s and 1950s, Maranze and his wife Pauline Gruner Maranze were leaders in the efforts to preserve the Old Courthouse and Cooper Park. The Old Courthouse and Cooper Park conflicts comprise the primary subject matter of this collection. Julius Maranze was Chairman of the Committee to Save Cooper Park. Later, in 1958, he went to the Ohio Supreme Court in a matter pertaining to Dayton City Commission candidates. He brought suit against a city school levy in 1970, and in 1974, he was a strong supporter of Dayton's 1.75% city income tax. In the 1940s and 1950s, Julius Maranze was employed as a clerk at Patterson Field and later Wright-Patterson Air Force Base. He died February 3, 1978, in Dayton.

The Maranze Papers deal primarily with the disputes that two civic organizations had with their local governments over the legacy bequeathed by Daniel C. Cooper and his heirs to the City of Dayton as well as Montgomery County, Ohio. Most of the controversy stemmed from an agreement that Daniel C. Cooper, an early benefactor of the City of Dayton, made with the local authorities in the early 1800s. Consequently, many of the documents in the collection describe the origin and evolution of Montgomery County and the City of Dayton.

The site on the Miami River which eventually developed into the City of Dayton was part of a million acre tract of land that a company of land speculators, headed by Judge John Cleves Symmes, had contracted to buy from the United States in 1794. The land grant issued by the government was for only 311,082 acres, however, since that had been the acreage that Symmes paid for. The territory not included in the land grant still remained a part of Symmes' original land patent. It became known as the "out of bounds" lands.

Dayton first surfaced as a nameless locale in an unofficial survey of 1775 prepared by Israel Goforth. A later unrecorded plat by Goforth shows the whereabouts of Dayton under the pretentious name of "Venice," with the Great Miami River called "Tiber." It seems that sometime during the Goforth survey endeavors, Symmes sold a portion of his "out of bounds"

land to Jonathan Dayton of New Jersey. Subsequently, Jonathan Dayton entered into sales contracts with a number of settlers. Symmes, however, had invalidated his patent by defaulting on his required payment thereby forcing Dayton to take a substantial financial loss. As a result, Jonathan Dayton lost his property, but not before he became the namesake of a settlement which was established as the Village of Dayton in 1786. Unlike Jonathan Dayton, the settlers who could prove that they had claimed their land before April 1, 1797, were more fortunate, because they received priority rights by an Act of Congress. Ultimately, a speculator by the name of Daniel C. Cooper acquired possession of almost the entire plat occupied by Montgomery County.

It seems that prior to the year 1805, Daniel C. Cooper apparently had agreed to donate a specific section of his estate to the county as a “seat of justice” in return for certain concessions. Such a donation was not altogether altruistic, since a seat of justice on his property would increase its value. What Cooper then had was an agreement with the county commissioners; what he did not have was a land patent. And without a patent, he could not convey a “good deed.” Once aware of the faulty title, the commissioners no longer felt obligated to honor the agreement. Consequently, Cooper voided all his agreements with the county at the same time that he filed his plat for Dayton. When, in the same year, Cooper finally got his patent, he reinstated all of the provisions of the previous agreement. Moreover, the terms of the “good deed” which Cooper gave were also binding upon his wife Sophia and their heirs. Furthermore, in addition to donating lots 131 and 132 for a seat of justice, Cooper granted several lots for “the pleasure of the people,” probably a common. But the deed also contained a stipulation that allowed the Coopers to retain all reversionary interests. This meant that the lots could revert back to Coopers if they were to be used for purposes other than designated in the deed. Due to this proviso, the deed was not considered absolute.

In 1872, about thirty years after Dayton had received its city charter, the city council of Dayton appointed a Select Committee to investigate the possibility of obtaining an absolute title to the land gifted by Daniel C. Cooper. Its recommendation to buy the reversions from the Cooper heirs was adopted by the council. The resulting deed was accepted by all concerned parties, including the City of Dayton and Montgomery County.

Because the county now had a clear title, demands to sell the lots to private interests arose periodically, only to be vehemently opposed by many groups of infuriated citizens. In a legal sense, their disagreement called into question the intent of the donor. Was the original gift a “dedication” (a gift of land to a government for a specific purpose), or was it a simple gift with all of its concomitant privileges? If it was intended as the former, it has to be held in trust for the people of the county as a courthouse site, in which case the county could not assert its rights to an absolute title. To settle this problem, the county commissioners found themselves forced into litigation. The urgent need for a new courthouse, to be constructed at a different location, also contributed to the initiation of legal action.

The funds for the new court complex were to be raised through a two million dollar bond levy, approved by the voters in 1945, as well as the sale of the Old Courthouse. Contesting the sale was The Friends of the Courthouse, an organization dedicated to the preservation of the Old

Courthouse and an offspring of the Montgomery County Historical Society. Unfortunately, all efforts to reach a compromise failed.

In the lawsuit of 1947, the county maintained that it had a clear title by the virtue of its acquisition of the reversionary rights from the Cooper heirs. The Friends of the Courthouse, on the other hand, claimed that Daniel C. Cooper's donation was meant to be a dedication. Therefore, its purpose could not be legally altered. Seeking to strengthen its case, the Friends of the Courthouse embarked on an intensive search of the title. Their efforts were not made any easier by the fact that the Hamilton County courthouse, where the original records had been kept, had burned to the ground in 1884. To further complicate their predicament, the fiduciary bank of one of the Cooper heirs did not reopen after the 1933 bank holiday. As the case wound its way through the judicial system, each of the lower courts held that the county had an absolute and clear title. When the appeal came before the Ohio Supreme Court, the justices refused to hear the case, in effect, upholding the lower courts' verdicts.

Notwithstanding the outcome of the appeal before the Ohio Supreme Court, there still remained considerable sentiment to preserve the Old Courthouse. In recognition of the popular attachment to the building, the county commissioners proposed to spare it, provided the people approved another levy whose revenue would make up for the lost proceeds from the then-vitiated sale of the Old Courthouse. The levy passed; the Old Courthouse was saved.

As the name indicates, the Cooper Park Conflict revolved around Cooper Park, the location of the old Main Library. In 1956, the need for a new city administration building, as well as a new library building, became critical. To solve this problem, the city suggested that the Cooper Park property be swapped for the Y.W.C.A. building on the corner of Third and Wilkinson streets. The latter location would then become the home of the new administration building. The exchange was to take place in two stages. In the first stage, the City of Dayton promised to buy the real estate from the Y.W.C.A. In the second stage, the Y.W.C.A. would turn around and pay the same amount to the city for Cooper Park. As in the Old Courthouse Conflict, citizens banded together in opposition. They formed the Committee to Save Cooper Park, which sought to thwart the proposed barter. When the Y.W.C.A. could not raise the 2.25 million dollars for the construction of a new building, the mayor of Dayton suddenly realized that Cooper Park was not the most ideal location for the new Y.W.C.A. What was ideal, however, was the timing of the mayor's revelation, a perfect resolution to an embarrassing dilemma. To express their appreciation for such a brilliant solution, a grateful citizenry approved the levy for the construction of a new Main Library.

Scope and Content Note:

The Julius Maranze Papers are divided into two series, with Series I dealing with the Old Courthouse Conflict and Series II pertaining to the Cooper Park Conflict. The contents of most of the files are of a legal nature, particularly copies of legal documents and court cases. It is important to note that although the content date spans of some documents reach as early as 1799, all of these early documents are photocopies or transcriptions. All copies appear to have been created in the early to mid-20th century.

Series I: Old Courthouse Conflict, includes correspondence, newspaper clippings, pamphlets, petitions, and copies of court case documents. Informational content in this series spans from 1799 to 1958; however, the bulk of the material is from about 1940 to 1956. All papers were copied or transcribed in the 20th century; the collection contains no 19th century originals.

Series II: Cooper Park Conflict, includes mostly newspaper clippings, as well as a few legal documents, and notes. The materials date between 1933 and 1971, with the bulk from 1940 to 1960.

Notable individuals represented in the collection include: Daniel C. Cooper, early land speculator and proprietor of Montgomery County, as well as Cooper's heirs; Roy Fitzgerald, Dayton lawyer and U.S. Congressman, as well as President of the Montgomery County Historical Society; William S. Pettit, lawyer; and John Cleve Symmes, early Ohio judge and land speculator.

Subject Terms

Persons/Families

Cooper, Daniel C., -1818

Places

Dayton (Ohio) – History

Montgomery County Court House (Dayton, Ohio)

Cooper Park (Dayton, Ohio)

Collection Inventory

<u>Box</u>	<u>File</u>	<u>Description</u>	<u>Date</u>
Series I: Old Courthouse Conflict			1799-1958, bulk 1940-1956
1	1	Correspondence: Roy Fitzgerald	1941 Mar. 26- 1958 June 15
1	2	Correspondence: William Pettit	1929 Sept. 10- 1954 Aug. 21
1	3	Newspaper Clippings	Circa 1940- 1949, Undated
1	4	Copies of Agreements, Deeds, and Records	1805-1957
1	5	Pamphlets, Petitions, and Other Documents	Circa 1945-1958
1	6	Photocopies of Legal Documents	1799-1805
1	7	Certified Copies of Legal Documents	1802-1956
1	8	Copies of Court Documents: Common Pleas Court of Montgomery County, Ohio, Case #96079	Circa 1946-1947
1	9	Copies of Court Documents: Court of Appeals for Montgomery County, Ohio, Case #1952	1947
1	10	Copies of Court Documents: Court of Appeals for	1948

Box	File	Description	Date
		Montgomery County, Ohio, Case #1966	
1	11	Copies of Court Documents: Court of Appeals, Second Appellate Judicial District of Ohio, Montgomery County, Case #1966	1948-1949
1	12	Copies of Court Documents: Supreme Court of Ohio, Case #31784	Circa 1949-1955
1	13	Copies of Court Documents: Court of Appeals for Montgomery County, Ohio, Case #2388	1956
1	14	Miscellaneous Correspondence	1936-1954
1	15	Charter of the City of Dayton, Ohio	1913
Series II: Cooper Park Conflict			1933-1971, bulk 1941-1960
2	1	Newspaper Clippings	1941-1965, Undated
2	2	Legal Documents	1956-1959
2	3	Notes	Undated
2	4	Miscellaneous	1933-1971
2	5	Miscellaneous	Undated