

## The First Courthouse

To observe the splendid modern structures that now house the county offices in many Iowa counties, few people would suspect the slow and often painful architectural evolution through which such buildings have passed since the time when court was held in log cabins or small frame buildings in many of the older county seats. Probably most of the first permanent courthouses were built, in part at least, by means of subscriptions and donations of labor and materials by public spirited citizens. Of course the pioneers also utilized the opportunity to preëempt a quarter section of public lands and devote the proceeds from the sale of lots to the erection of the courthouse and jail.

At Mount Pleasant, even before the county was established in its final form, efforts were instituted to construct a courthouse in the center of the public square of that city, and a petition with a subscription list appended was presented at the second meeting of the "Supervisors Court", held on Monday, February 13, 1837, only a month after the date of the first election of county officers. In order to be sure of public opinion and sincerity, the supervisors "Ordered that A Sub-

scription issued in the Name of the Supervisors of Henry County" be "presented to those who wish to aid Building A Court House in The Town of Mount Pleasant and said house to be Built so it serve as Suitable house for county purposes to Be Respecable in size & quality and to Be Built in the centre of the public square".

Apparently "sundry citizens" were solicited at once and responded generously, for on the following day the supervisors were able to acknowledge the return of the subscription paper "with six hundred forty two dollars and fifty cents with considerable amount subscribed in Property." Thereupon, they "Ordered that a survey of the Land donated by Presley Saunders Be made in accordance with the old survey of the Town of Mount Pleasant and Recorded as a part of said Town plat or an addition thereto, and that there be A public sale of said Lots on the tenth day of April to the highest Bidder." Six months credit was allowed on good security, and the supervisors promised the same kind of title as had "heretofore Been given By the original Proprietors of the Town of Mount Pleasant."

Three days later, on February 17, 1837, upon the request of citizens of Mount Pleasant, a special meeting of the supervisors was held for the purpose of considering the scheme "to Build A

court house during the present Sumer." Tentative plans had apparently been made and the terms of a contract drafted, for the supervisors ordered that "the Contract to Build A Court house in Mount Pleasant pass the Bord and that the supervisors Receive seald Proposals for the work on said Court house after the publication of this order up to the tenth of April next in the way and maner that may be described." Samuel Brazelton, who was then leading the opposition to Mount Pleasant, may have been absent from this meeting, for he did not sign the order with the other supervisors.

According to statute, district court was first held in Mount Pleasant on the "first Friday after the second Monday in April". The supervisors arranged that the court occupy the room used by the township clerk. And so it came to pass that Judge David Irvin opened court on April 14, 1837, in a log cabin on the west side of the public square. W. W. Chapman acted as United States District Attorney, and Jesse D. Payne served as clerk.

When the county supervisors met in May they were confronted with a bill presented by Tillman Smith for the rent of his house for the district court. Whether the court was dissatisfied with the quarters provided by the county or whether the owner of the property tried to collect extra

rent is not clear from the records, but the supervisors ordered "that the said bill nor no part there of can be allowed."

Perhaps this experience stimulated new interest in a courthouse. The project which had held such bright promise in February seems to have languished in April. Perhaps the immediate erection of the courthouse was impracticable. Maybe some of the cash so cheerfully promised was not actually available, and probably the auction of the lots donated by Saunders yielded less than had been anticipated. Whatever the causes may have been, the supervisors ordered on May 9th "that the subscription obtained for the Building of A Court House in the Town of Mount Pleasant Be null and void."

This action appears to have been more for the purpose of clarifying the record than the result of a change of attitude, for the supervisors immediately resolved to "forthwith proceed to Build A court house on the public square in the Town of Mount Pleasant to be of the following size to wit: twenty four feet square and A story of ten feet between the Joice the said House to Be A Frame building. Provided the citizens of said Town And Vicinity will give them An aid sufficient to defray the Principal part of said Building And that A subscription issue in the name of the Super-

visors for the above object." No mention was made of the money obtained or yet to be received from the sale of lots. It would seem that such a building could have been built for the \$642.50 and "considerable amount" of property subscribed in February.

At a special session of the "Supervisors Court" on June 24, 1837, the sheriff was ordered to "Proclaim at the Door that the Court Request the attendance of the Citizens present to advise in Regard to the Erection of the Court House." Judging by what followed, neither the style of building nor the location on the public square was satisfactory. After some discussion the supervisors decided "to Let the Building of the Court House in the Town of Mount Pleasant on Lot No. 2 (two) in Block ten of the following size to (wit) 30 feet Long By 18 feet wide, ten feet high between the Joice the same to be weather Bordered and Shingled and the body to be A good frame to be completed with sleepers and Joice Door and Window frames and to be delivered to the Supervisors on or before the first day of September next". The contract was to be awarded to the lowest bidder who was required to give a "Bond and Good security" that the work would "be done in workmen like maner."

Thus the previous intention to build the court-

house on the public square was abandoned in favor of a location in the block east of the square, a site later occupied by the Eshelman Building. This plan did not meet with public favor, as sufficient support was not forthcoming. Having exposed the contract to build this courthouse to public bids, the supervisors reported that the lowest offer was \$275. "After viewing the Prospects of Voluntary subscriptions to be insufficient", the board decided to "Recind all former orders to build A Court House at this time."

If there was any agitation for a courthouse during the next nine months the county officials paid no attention to it. Meanwhile, in January, 1838, the boundaries of Henry County were changed so that Mount Pleasant occupied a more central location, and in February the county supervisors selected the southwest quarter of section 9 for county building purposes. In March three commissioners were elected to replace the former county supervisors. On April 3, 1838, L. B. Hughes appeared before the county commissioners and asked permission for the citizens of Mount Pleasant to build a courthouse, but the board refused to consent, probably due to the influence of Paton Wilson who hoped to have the county seat moved to Oakland Mills.

In spite of official disapproval a committee of

seven enterprising citizens was appointed to proceed with the project. If the commissioners were unable or unwilling to provide adequate quarters for the county officers, the residents of the town proposed to do it themselves. On April 28th, May 6th, and May 12th the following notice appeared in the *Burlington Gazette*. "The undersigned committee of Arrangements for the purpose of building a Court house in the town of Mount Pleasant, will receive sealed proposals up to the tenth day of May next, for 100,000 good merchantable brick, delivered on the public square, on or before the tenth day of August next. All bids must be accompanied with sufficient securities. The very desirable situation of this young and interesting town is so well known, the committee deem it unnecessary to say any thing in commendation. *But* they only solicit strangers to come and see for themselves.

*Committee*

Isaac Bowen,	Samuel Hutton,
L. B. Hughs,	Samuel Nelson,
J. H. Randolph,	W. S. Viney,
D. C. Ruberts."	

Apparently the members of the citizens committee were determined to accomplish their purpose. Instead of a cheap, one-story frame building they proposed to erect a brick structure,

twenty-four feet square and two stories high. Funds were raised by subscription, brick and lumber were delivered to the public square, and work was begun. The county authorities took no official notice of this activity. Perhaps the board was still hostile to Mount Pleasant, though after the election in September, 1838, it must have been obvious that the county seat was not likely to be moved. Probably there was some money in the county fund for buildings, but the commissioners were thinking of spending it for a jail instead of a courthouse. During the fall and winter, progress on the courthouse lagged and the citizens committee must have been discouraged.

Meanwhile, Hughes, Wallace, and Payne were busy in the Territorial legislature. On January 25, 1839, an act was approved to create in Henry County the office of county agent to sell the land that had been selected for county building purposes. As soon as Joseph B. Teas assumed the duties of that office the long stalemate in the construction of the courthouse and jail was broken. The pawns of politics began to move. John H. Randolph went to work on the jail and the county arranged to assume the task of completing the courthouse.

At a special meeting of the commissioners on June 3, 1839, Samuel Smith was authorized to



contract for "Such lumber as may be necessary for covering & enclosing the Court house." A month later the citizens' courthouse committee "delivered to the board of County Commissioners Sundry notes accounts &c to be applied to the erection of a Court house when collected and also Certain Brick &c on the public Square". For these assets John H. Randolph had paid the committee \$289.69 and the commissioners therefore ordered the county agent to reimburse Randolph out of the public buildings fund. Since the materials were worth more than the amount paid, the surplus was acknowledged as a donation to the county.

At the same meeting in July the commissioners contracted with Everett Rogers to complete the brick work on the courthouse by September 15th. George W. Patterson, one of the commissioners, whose term expired in August, contracted to do the carpenter work! On August 3rd, however, the commissioners rescinded this contract and made a new one with G. W. Patterson and Levi Hagar to avoid some of the appearance of favoritism. Agent J. B. Teas was "authorized to attend to examining, counting & receiving the Brick which is to be furnished by E. Rogers for the Court house".

Financing even so modest a building as this in

those early days was no small matter, although it appears that the courthouse was built and paid for without a bond issue or any special tax levies. The sale of land probably yielded considerable revenue. In default of the payment of certain subscriptions and notes, suits were instituted and judgments taken. A special "Fund for Public Buildings" was established, out of which the contractors were paid from time to time. In July the judgments, notes, and subscriptions were given "into the Care of G. W. Patterson for collection" on condition that the proceeds be applied to the payment of the amount due him for work on the courthouse.

By early autumn funds were evidently running low, and pressure had to be exerted to raise money to pay the bills. George W. Patterson was again authorized to proceed immediately to the "Collection of the Amount due on the Subscription given over by the Courthouse Committee," and to call on "A. B. Porter for the amount of his Subscription for the Building of the Courthouse & to inform said Porter that he may pay said subscription according to the terms of the same by designating the property which he wishes to give on or before the next day of Sale; Said property to be sold on the Same terms of the other County property & the proceeds to be Credited to him on

the Subscription." He was a member of the Territorial House of Representatives.

This sale of lots to raise additional money for the fund for public buildings took place on September 14th. Lots were sold both in the original town and in the commissioners' addition. Terms were one-half down and the balance in six months or the amount paid down would be forfeited.

Throughout the fall, work toward the completion of the new building proceeded slowly but surely, and on October 9th the Board authorized Patterson "to Contract for tin plates to be put on the roof at the Chimneys of the Courthouse to turn off the water", and, at the same time, "Ordered that Everett Rogers be allowed the sum of two hundred & seven dollars" for "23 thousand bricks furnished for the Courthouse." He was later allowed the additional sum of \$384.93½ to be paid on February 10, 1840, for "41,550 bricks furnished, laying up 159,450 & extra work in flaring jambs — being the balance due him for said work on the Courthouse."

On November 23rd Myron Kilborn was permitted to occupy a room in the courthouse for five months, from which it is evident that the building was substantially completed by the close of 1839. In January, 1840, the county commissioners "Settled with Patterson and Hagar for the Carpenter

Work on the Courthouse & according to the decision of the refferees" \$31.62 was deducted "for the Cupola which is not put up as in the agreement". A new contract was made with Patterson and Hagar to finish the work of putting "the remainder of the joists & the door frames in the inside as soon as Scantling can be obtained at the saw mills".

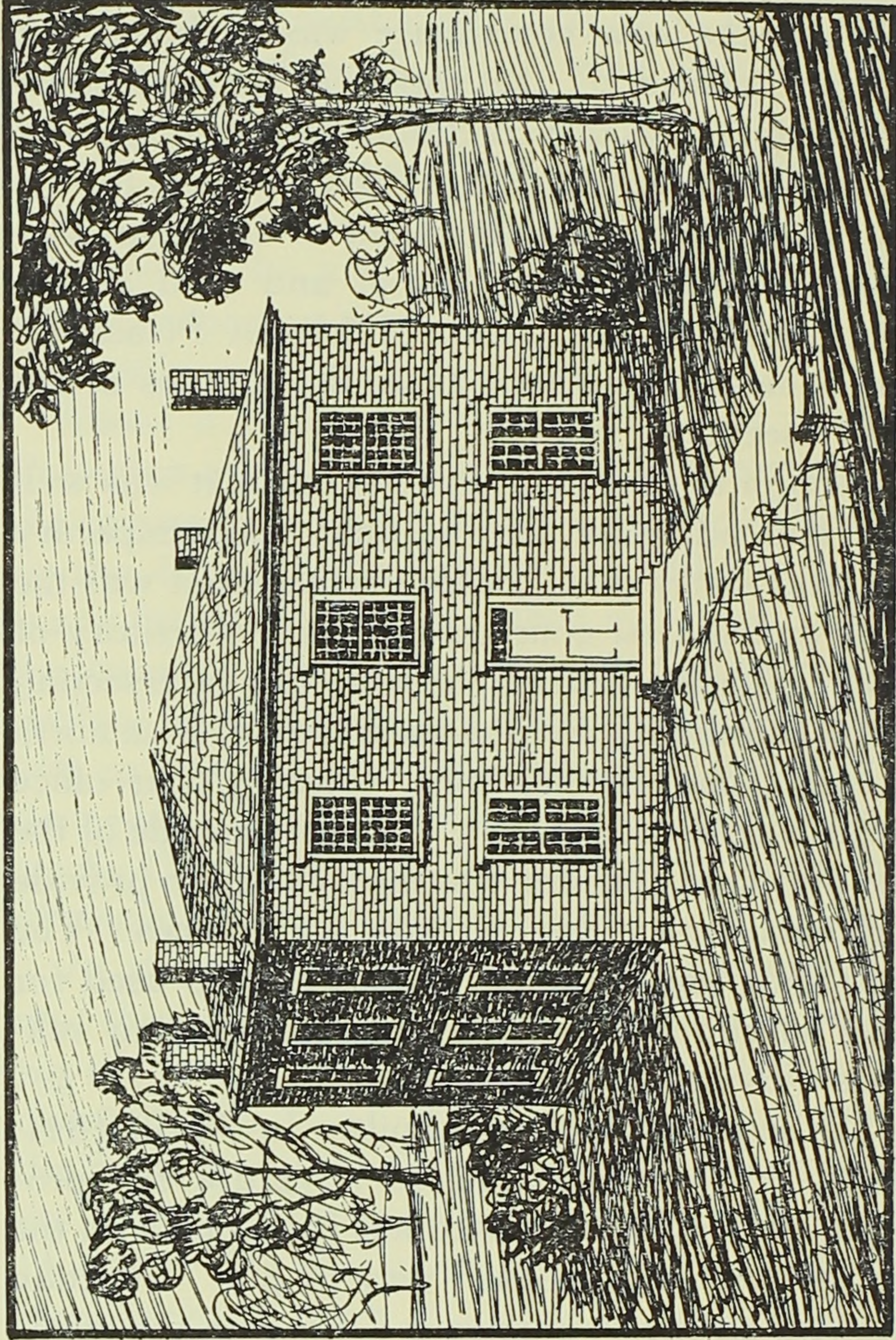
About a month later, \$1004.10 was allowed Patterson and Hagar, "being the last payment for the carpenter work on the Courthouse to be paid on the 10th day of February, 1840, out of the funds for the erection of public buildings." That the treasury was unable to cash this warrant is evident from the entry in April that \$100 be credited on this obligation and that "the remainder of the orders owing to Patterson & Hagar for work on the Court house shall draw interest at the rate of seven per centum per annum."

At the same time the clerk was authorized to rent the southeast room in the courthouse, reserving the use of it for a jury room at the time of the district court term. For finishing this room "in the Same way the other rooms are to be finished" the occupant was to have possession until March 14, 1842. He was given the benefit of what had already been done in return for allowing the county to have the use of it for a jury room.

While the new courthouse was probably not entirely finished by the spring of 1840, it must have been in a usable condition, since the board of commissioners occupied their new quarters for the first time. "At a regular term of the Board of County Commissioners begun and held at the Court house in the Town of Mount Pleasant," wrote the clerk at the head of the minutes of the April meeting.

Though the building was not large, it was well built and adequate for the time. Contemporary comment states that, "on its completion it was the finest and largest court house in the Territory of Iowa." On the lower floor were two intersecting corridors running through the building, from north to south, and east to west, creating four office rooms, one in each corner. At least one side of the east and west corridor was later closed to provide additional space for records and offices. The court room on the upper floor was also used for other meetings of various kinds, including religious services.

The cupola was never built. In April, 1841, the clerk was "required to advertise for proposals" to cover "the place left for Cupola on the top of the Court house" and to put "Venetian Shutters on the Windows & Casing on the inside of the Windows & fixing a transom over the door



DRAWN BY SHIRLEY BRIGGS

FROM AN OLD PHOTOGRAPH, COURTESY OF WILL DYALL

### THE FIRST HENRY COUNTY COURTHOUSE

in the upper story of the Court house." This was apparently the last item in the records concerning the erection of the building, the full cost of which was never definitely recorded. It has been stated that the total amount of the public subscription for the courthouse was about \$3000, and so it is estimated that the entire cost must have been between three and four thousand dollars.

"Right well" the old courthouse served its purpose, wrote a citizen on the occasion of its demolition in 1871. "Many a Judge has there sat in judicial dignity in the 'old pulpit'; many a jury has been wearied by trials that had better never been tried; many a witness has been bothered and badgered; many attorneys have had their say, and with mighty voice and powerful gesture, pleaded the cause of their clients. The gospel, too, has there been preached, and some of the ablest itinerants that ever rode an Iowa Circuit have held forth to interested hearers." Far from being "a disgrace to town and county", it was "a handsome building at one time, and a matter of county pride".

BEN HUR WILSON