

“THE BLUE EARTH COUNTY COURT HOUSE” *

IN

HISTORY

Blue Earth County

BY THOMAS HUGHES

LIFE MEMBER OF MINNESOTA HISTORICAL SOCIETY

AND

BIOGRAPHIES

OF ITS

LEADING CITIZENS

CHICAGO
MIDDLE WEST PUBLISHING COMPANY
PUBLISHERS

1909

* MLHP: The following appeared on pages 197-203 of this history of Blue Earth County. It is complete though reformatted. Pages breaks have been added. The author’s punctuation has not been changed. The title has been added by the MLHP.

THE HISTORY OF THE BLUE EARTH COUNTY COURT HOUSE

During these years the matter of building a new court house was a very live issue in our county, which called forth a long and bitter fight. In this unfortunate contest the City of Mankato aided by two or three townships were ranged on the side favorable to the new court house, while the rest of the county was in opposition. We have spoken of some of our county buildings already in this history, but it may not be amiss to review the history of our county buildings as a preface to the history of our present court house.

The first move looking toward the erection of a court house was taken by the County Commissioners on July 10, 1856, when they proposed to build a two story stone edifice 30 by 40 feet. Nothing was done however, to carry this resolution into effect. At their next meeting on October 21, 1856, the board decided "because of time lateness of time season and the urgent needs of a jail and other reasons" (principally want of funds) not to build the court house, but to build a jail and sheriff's residence at once. Accordingly on November 1, 1856, a contract was let to Francis Bunker, then sheriff of the county, to construct a one story log jail 12 by 20 feet, the logs to be of hard wood and hewed eight inches square, and in front of this jail and contiguous to it a one story frame dwelling for the sheriff 14 by 20 feet. The jail part was divided into two cells and the sheriff's residence had a living room, a bedroom, pantry, an attic above and a small hole in the ground for a cellar. The building was completed by January 1, 1857, at a cost of \$900.00 and stood facing Walnut Street about 100 feet west of northeast corner of the court house block the brow of the hill. In the summer of 1859, a small kitchen was added to the sheriff's house. This was the only jail and sheriff's residence the county possessed until January, 1868. Westward of this jail about

150 feet, and at the foot of the hill, the sheriff had his barn, first of logs, and afterwards of frame. On July 8, 1857, the Commissioners ordered the erection of a one story stone office building 20 by 24 feet, with a flat roof. At the same time the court house square was ordered to be enclosed by a substantial board fence. On the 28th of the same month the contract for the building was let to Isaac N. Britton and Francis Banker for \$1,500.00, and for the fence at \$225.00, and both were constructed that fall. This building fronted on Fourth street and stood on the court house square about 75 feet north of its southwest corner. It was used at first as an office for the Register of Deeds, who in those days was, also, Clerk of the Board of County Commissioners, and performed the duties now imposed upon the County Auditor. The Commissioners, too, met in this building. When the office of County Auditor was created in 1858, this new official occupied the one room building jointly with the Register until January, 1871.

A stone vault, in which were stored the records of the county, stood inside in one corner, much like a dutch oven in shape. The door to this fire and burglar proof safe was made of oak plank covered with sheet iron, which when new was painted and varnished. In time the paint wore off, and so did some of the sheet iron, and the wool shrank, so the mice could run back and forth under the door when closed.

We have already noted how the Legislature in February, 1867, authorized our County Commissioners to issue \$10,000.00 in bonds for the purpose of building a new Court House and jail, but added the proviso that the location of the building be submitted to the legal voters of the county; how Mankato won out at the election as the site, and on May 7, 1867, the contract was let for \$10,300.00 to L. J. Lewis.

The old sheriff's residence and log jail were torn down to make room for this new building, [198] which, also, faced Walnut street. Being located on the brow of the hill, it gave an opportunity for a

good basement under the whole building, which was 33 by 75 feet, and two stories high above the basement. As the westerly wall of the basement was exposed by reason of the slope of the ground, the structure from that point of view, looked like a three story building. The basement and the jail part were constructed of stone and the balance of the edifice was of brick. The jail occupied the rear forty feet of the first story, while the balance of the first story and the basement were the sheriff's apartments. The second story was reached by an outside wooden stairway on the easterly side of the building. The front fifty-five feet of this upper floor was occupied as a court room, while the rear twenty feet was partitioned into two jury rooms. The windows of these jury rooms were grated and grates fitted into the doors so the rooms could be used for cells in case of female prisoners.

This was the first court room the county had ever owned. Heretofore, court had met in halls such as the county could find for hire. The old City Hall, Concert Hall, Masonic Hall, Higgins Hall and Shoemaker's Hall had each in its turn been the abode of the blind goddess, but at last she had been provided with a home of her own. The building was completed by November 27, 1867, and first occupied by Evan Bowen, then newly elected sheriff, and the first term of court was held in it December, 1867, Judge Horace Austin presiding. The first case tried was the famous Willow Creek Mayhem case against Miller, Day and others.

The Clerk of Court established his office in the new court room as soon as it was finished and for a time the county treasurer occupied the same apartment.

The extremely cramped condition the Auditor and Register of Deeds were experiencing in their one room office at the foot of the hill finally drove A. D. Seward, then Auditor, to prepare plans for enlarging it to a four room building. These were submitted to the Commissioners and accepted by them on March 11, 1870. The plans called for the tearing out of the front and south sides of the

little stone building, the putting of an addition of twenty-four feet on the south side making the entire ground space 44x24 feet and the raising of the whole to a two story building. All new walls above a two foot stone base were of brick. This gave two rooms below, one for the Register on the north and the other for the Auditor. A stairway between these two rooms led to the rooms on the second floor, the upper room on the south side being occupied by the Treasurer and that on the north by the Clerk of Court. Two stone vaults for the use of the Register and Auditor were constructed on the outside in the rear of their respective offices. This made practically a new building, as all that was left of the little stone edifice were its north and rear walls. The contract was let to Wm. Roberts and Co., on September 9, 1870, for \$1,996.50, and the building completed by January 6, 1871. The entire cost, including a number of extras to the original specifications, was \$2,385.65.

By 1876 the need of more room for the County Auditor, of the offices for officials still unprovided, and of fire proof vaults for a mass of county records in the Probate, Clerk of Court, and Treasurer's offices appealed so strongly to the Grand Jury at the December term of Court, that it sent to the County Commissioners an urgent request to immediately supply these requirements.

In response to these recommendations of the jury, the County Board, at its meeting on January 6, 1877, requested its chairman to procure plans for enlarging the county office building and making time other necessary improvements. On February 1st, the contract was let for \$1,777. 15 to O. S. Cowan. The new addition was a two story brick 22 feet front by 40 feet deep added to the southerly end of the building. The entire lower floor of the new addition was devoted to the Auditor's office, while the upper floor was divided into two offices, the front occupied by the Judge of Probate, and the rear by the Clerk of Court. To each these two offices a hail was constructed from the top of the stairway along

the rear of the southerly upstairs room of the first addition, which hall was lighted by a glass partition. The County Treasurer, who had heretofore occupied [199] this room, moved to the room below, lately occupied by the Auditor, while this upper room became first the County Attorney's office and later time judge's chambers. The room to the north over the Register's office, where had been the Clerk's office, was given to the superintendent of Schools. In the outside angle formed at the junction of the first and second additions in the rear a large two story fire proof was constructed. The lower story was occupied by the Auditor, but the upper story was divided into two vaults, one for the Clerk of Court and the other for the Probate Judge, but the latter had to enter the Clerk's office to reach his vault.

These improvements were completed by September 1, 1877, and no further change was made in our county buildings, until the erection of the present Court House and jail twelve to fifteen years later.

The first move looking to the erection of a new Court House originated March 24, 1884, at a Board of Trade meeting of the City of Mankato. The idea was suggested by Stephen Lamm, who had just returned from an extended visit south and east, and had been strongly impressed by the progress he had seen everywhere in municipal architecture. The unsightliness and inadequacy of our county buildings had specially appealed to him on coming home as unworthy a great and rich county like Blue Earth. Their shabbiness was a disgrace and gave strangers an impression that we were behind the times, that the county was either poverty stricken or greatly lacking in enterprise. We were ashamed to show them to any visitor, and no artist had ever taken a picture of them for they were void of all artistic merit or value.

Mr. Lamm moved that the matter of building a new court house, which should be worthy of the county and adequate for its needs, be brought to the attention of the County Commissioners. The

motion was unanimously approved and John Klein, who was then the member of the County Board from the city, and, also, a member of the Board of Trade, was requested to urge the matter upon the consideration of the Commissioners at their next meeting. At a meeting of the Board of Trade held July 28, 1884, John Klein asked the appointment of a committee to aid him in bringing the matter of a new court house before the Commissioners, who were then in session. John A. Willard, F. L. Watters and John C. Wise were appointed such a committee, and they at once appeared before the commissioners, who were induced to look with favor upon the proposition, and a resolution was passed levying a tax of one mill for a Court House fund. This tax raised about \$8,000.00, which the Board intended to use in beginning the work of grading and starting the foundation.

The County Commissioners at this time were: James B. Swan, Chairman, Timothy Rees, John Diamond, John Klein and Malachi Gainor. They were all men of excellent judgment and character and all fully realized the great need of a new Court House. On January 1, 1885, Olaf Martinson, of Lincoln, succeeded Mr. Rees. He, too, was a faithful and fearless friend of the new Court House proposition.

February 10, 1885, at the instigation of the Mankato Board of Trade, the Legislature passed an act authorizing the commissioners of Blue Earth County to issue \$75,000.00 in bonds to build a court house, subject to ratification by the voters of the county. March 2, 1885, the Board of Trade appointed Stephen Lamm, Geo. M. Palmer, John C. Wise, John N. Hall, M. G. Willard, John C. Noe and F. L. Watters as a committee to appear before the commissioners and urge the calling of a special election to vote the bonds as soon as possible. The County Board on March 4, 1885, designated May 5, 1885, as the time for holding such election. But the Court House project was not destined to meet only favorable breezes. The first note of audible opposition came from the Pleasant Mound grange. On April 25, 1885, it passed a resolution

condemning the action of the County Board in calling the special election.

The feeling of antagonism expressed by this grange seemed to suddenly pervade the whole county outside of Mankato, and the three townships adjacent. There were three or four reasons for it, though none of them were very valid. For many years there had been a desire [200] on the part of the people living in the southwestern portion of the county to have the county seat removed to a more central location than Mankato, and they had mostly cast their votes in favor of Garden City, when the question was up in 1867. There may have been a faint remembrance of the old fight and perhaps a lingering ray of the old hope still cherished by some. The main reason, however, was due to the natural conservatism of the people. The matter of a new and costly court house had been sprung upon them suddenly, before they had been educated or prepared for it and the initiative had come entirely from the Board of Trade of Mankato. This at once aroused strong suspicion that the whole scheme was gotten up merely for the aggrandizement of the city, at the expense of the county. Indeed, the suspicion was not wholly groundless, for the keen interest in the project displayed by the city was not entirely unselfish. But our people had been schooled to the most rigid economy. They were just emerging from the hardships and deprivations of pioneer life, of Indian wars, and of the grasshopper scourge. Many had only recently moved from the log cabin, and the mortgage on the farm had not been fully paid, so anything suggestive of elegance or luxury was looked upon as wicked extravagance. Then the farmers over our county had just been organized into Alliance clubs, and like the boy with his first gun, were spoiling for a chance to shoot at something. Here was something tangible, which the Alliances of Blue Earth County might do. Here was a big city woodchuck making straight for the county corn crib and why not kill it?

The Board of Trade realized a few days before the election that their project was in grave danger. A circular was prepared by John A. Willard, presenting in a most forcible manner the necessity for a new Court House, which was sent broadcast over the county. Another circular to the same effect was prepared and signed by the County Commissioners and sent through the country, but nothing availed. The bonds were defeated by a vote of 1,907, to 1,799, making an adverse majority of 108. The city cast 1,461 of the votes in favor and the county only 338; of this number 159 came from the towns of Mankato, Lime, and South Bend, and 159 only from the balance of the county.

Of the 1,907 opposition votes only two came from the city. The vote by towns stood as follows:

	For Bonds.	Against Bonds.
Butternut Valley.....	3	83
Beauford.....	--	90
Cambria.....	9	39
Ceresco.....	--	60
Danville.....	1	100
Decoria.....	2	55
Garden City.....	5	126
Jamestown.....	2	42
Judson.....	13	40
Lake Crystal.....	4	107
LeRay.....	37	105
Lime.....	47	6
Lincoln.....	1	72
Lyra.....	9	139
Mankato City.....	1,461	2
Mankato Township.....	78	23
Mapleton.....	12	92
McPherson.....	35	77
Medo.....	--	127

Pleasant Mound.....	2	84
Rapidan.....	28	42
Shelby.....	7	151
South Bend.....	34	15
Sterling.....	8	95
Vernon.....	<u>1</u>	<u>7</u>
Total.....	1,799	1,907

As four of the five commissioners were from the country and represented a constituency so overwhelmingly opposed to a new Court House it was supposed for a time that the measure would have to be abandoned. Mr. Wise, of the Review, and two or three other members of the Board of Trade maintained, however, that the vote did not signify that the people were opposed to building a new Court House, but that they objected to bonding the county for so large a sum.

The County Commissioners were men of independent thought, who were fully convinced of the need of a new Court House, and realized that the country vote had been stampeded to oppose the project simply because of the false impression that there was no necessity for the building, except to gratify the pride of Mankato. Because of this conviction, and since the law made it their duty to provide suitable county buildings, the Commissioners were still well disposed towards the measure. Knowing this Mr. Wise urged the Board of trade on July 13, [201] 1885 to appoint a committee to confer with them about the matter. John N. Hall, J. A. Willard, Stephen Lamm, John C. Wise and L. Patterson were appointed such a committee. The conference was held and the result was that on July 29, 1885, the commissioners levied a tax of \$18,000 for a Court House building.

About September 1, 1885, James B. Swan, of the County Board, sold his interest in the Rapidan Mills to a Mr. Baker of St. Peter, and soon thereafter moved to the town of Judson in the vicinity of Lake Crystal. This removal took Mr. Swan beyond the confines of

the Fourth Commissioner District, which he represented, and he resigned.

Mr. Swan had been a very valuable member of the Board as he possessed excellent judgment and his integrity was above a shadow of suspicion. He had, also, been a firm and fearless supporter of the new court house and the friends of that measure much regretted his retirement.

About December 10, 1885, C. H. Piper was chosen as his successor and at the first meeting in January, 1886, Malachi Gainor of Lyra was made chairman. On January 9, 1886, the County Auditor was directed to invite the submission by architects of plans and specifications for a new Court House to be received by February 17, 1886, and the public generally were invited to be present at the time to advise the board. At the time designated about 100 persons from various parts of the county met with the Board, the great majority of whom belonged to the party favorable to the Court House. Among the latter were the Board of Trade of Mankato, C. G. Spaulding of Mapleton, J. B. Swan of Judson, C. W. Herman of Shelby, J. P. Kramer of Danville, Geo. McMahill of Mankato town, M. L. Lockerby of South Bend, and Philip Mueller of Lime, while Mr. Greenwood of Garden City acted as the principal speaker for the opposition. The next day the plans submitted by Healey and Allen of Minneapolis were selected by the Commissioners as most suitable, but all action was postponed until March 3, 1886. On that date Healey and Allen were authorized to prepare the details for their plans and specifications and submit them to the board at a meeting to be held in May.

Commissioners Klein, Gainor and Diamond were appointed a building committee. The chairman of the Board was also authorized to advertise for bids to grade the Court House lot preparatory to the erection of a building thereon, the bids to be received by May 4. While no formal resolution to that effect was

passed, the commissioners had unanimously come to the conclusion, to begin the erection of a new Court House.

In view of the fact that the constituency of the four country members, Gainor, Diamond, Martinson, and Piper were so bitterly and overwhelmingly opposed to the measure, it was a very heroic act on the part of these four men. But having made up their minds that the county really needed the building no intimidation or matter of expediency could turn one of them from what he considered his duty.

These steps of the commissioners greatly stirred up the opposition all over the county. At the town meetings held in March, resolutions were passed by fully two thirds of the towns denouncing the action of the Commissioners in the most vigorous language. The town of Sterling was the only town that passed solutions of approval, though a few other towns were fully as friendly disposed.

On March 31, 1886, a meeting of those opposed to the new Court House was held at Garden City. Most of the towns were well represented and resolutions passed scoring the commissioners for setting aside the will of the people. A meeting was arranged at Mankato for April 9, to confer with the Board of Trade and the Common Council of that city to see if some amicable adjustment might not be made. At this Mankato meeting representatives were present from the town boards of Danville, Sterling, Shelby, Pleasant Mounds, Lincoln, Butternut Valley, Garden City, Beauford, Vernon, and LeRay, in all forty to fifty persons. They met the Court House hall. Hon. E. T. Champlain was made chairman and E. D. Cornish secretary. Nothing came of the conference, except a few wordy cyclones, and a heavy down pour of righteous indignation. After the public [202] meeting the faction opposed to the Court House met in conference with their attorney, Lorin Cray, of Lake Crystal, and determined to take the matter into court. Accordingly an injunction suit was brought in

the name of E. D. Cornish against the County Commissioners to restrain them from building the Court House. The papers were served May 3, 1886, and the next day the County Board retained Daniel Buck and E. P. Freeman to assist the County Attorney, A. R. Pfau, in defending them in the suit. At this meeting O. Martinson and C. H. Piper were added to the building committee. At the hearing of the injunction proceeding on May 10, 1886, Judge C. M. Start, at the request of Judge Severance joined him upon the bench. On May 14, they filed their decision holding that the Commissioners were justified in proceeding to build a new Court House, that they could contract for \$23,000 of work that year, but they were restrained from going beyond that figure at present; they were permitted, however, to levy a tax thereafter from year to year, not exceeding the five mill limit, It was really a victory for the County Commissioners. The contract for grading the portion of the Court House Block upon which the building was to stand was let, and the contract for building the basement was awarded to Thomas Russell for \$11,850, and this work was completed that fall, and then properly secured against the weather. A tax of \$18,000 was levied this year for Court House purposes, and before retiring at the end of the year, the Board let the contract for the main building to Ring & Tobin of Minneapolis, who during the winter got out part of the stone. The building of the new court house was now assured though its completion was delayed for sometime for lack of funds.

With the solitary exception of John Diamond, the personnel of the County Board was completely changed on January 1, 1887. The new Board consisted of H. K. Lee, chairman; John Diamond, John S. Jones, A. M. Hannay, and Chas. H. Dietz. In February, 1887, the Legislature authorized the commissioners to issue \$30,000.00 in bonds to complete the Court House subject to ratification by the voters of the county. The measure carried by a vote of 1519 to 1446. The precincts voting in favor were the city of Mankato and the towns of Cambria, Judson, Mankato, Decoria, Lime; Sterling. The other towns voted against the measure, some of them like

Lincoln, Pleasant Mound, Medo, and Beauford were almost unanimous. During the spring and summer of 1887 the work was prosecuted with fair diligence. A certain white flint stone had been designated for the pillars and trimmings, but had, also, been used for the steps and water table in the foundation, laid the previous year, and during the winter had scaled and checked badly and the Commissioners insisted that a different kind of stone be substituted. This change formed the basis of a big charge for extras on the part of the contractors, which was disputed by the Board. A long and vexatious quarrel, ending in a law suit followed, which greatly hindered the work.

During the winter of 1887-8 a compromise was effected and the work was resumed in the spring of 1888 and the building finished, except the carpenter work and inside furnishings. Not having sufficient means to complete building, the Legislature of 1889 passed a bill authorizing the commissioners to issue another \$30,000.00 of bonds, but without submission vote of the people. The contract for the interior work was now let to Jacob Flachsenhar for \$15,821.08.

On the first of January, 1889, there had been two changes on the county Board. Nick Brules had succeeded John Diamond and Hugh H. Edwards had taken the place of John S. Jones. The building was finished by October 11, 1889, and four or five days later county officers removed to their new quarters. The total cost of the building and its furnishings was a trifle over \$123,000.00.

The District Court convened in the new court room for the first time on December on which occasion Judge M. J. Severance, presiding, referred to the new Court House as follows:

“For the first time the court is sitting in this new, elegant and convenient building, erected by the County of Blue Earth, and in which its public affairs will [203] hereafter be conducted. This structure, surrounded by the symbols of

justice, is grand and imposing and at the same time solid, massive and substantial and with proper care will defy the elements and all the assaults of time. Here too, the archives of the county, so long imperiled and wasting, are more than reasonably safe. In the erection of this, the County's temple, extravagance and prodigality of ornament, beyond the demands of positive utility and a laudable taste, have played no part. Only the necessities and the dignity of the County of Blue Earth, as a great political and municipal department of the greater state of Minnesota, have been consulted. This structure stands for the sovereignty of the County of Blue Earth. It does not belong to the growing city in which it stands, but it belongs to the county and is the common property of all the people. This structure stands for more than the sovereignty of the county. It marks the progress of that laudable rivalry attendant upon a civilization that holds every triumph in architecture to be the hand maid of science and morals.

You may search the country over and you will not find another public building, whose actual cost and expense of erection are so nearly equal as this. A critical view of this structure with all its appliances, and considering its adaptability to time uses for which it has been designed, I am sure will satisfy every citizen of this county of time propriety of the work now completely accomplished. Had the county of Blue Earth done less than it has in this behalf, our waving forests, expanding prairies and rolling rivers, spanned by more than thirty bridges, all assuring the certain basis of a great prosperity, would have mocked at the parsimony of the county.

There is no surer index of the financial abilities of a county or the enterprise of its people, than the state and condition of its public buildings. A large and thrifty county seat,

only made possible by productive surroundings, and stately, well kept county buildings, do more to advertise the advantages of a county, either for homes or the inducement of capital, than all the boom pamphlets that the air could contain.”

Because of the bitter opposition, which the erection of this finest Court House in the state, outside the Twin Cities, had engendered, and the long and desperate struggle that ensued (an unfortunate condition, which later both sides deplored), no dedicatory services were held. But the noble structure stands a monument to the good judgment, strict honesty, public enterprise and fidelity of the men, who, under circumstances so adverse pushed to completion, so splendid an undertaking. It also, stands as a worthy temple of the great county of Blue Earth, with its wealth of resources and vigor if enterprise and today every citizen feels a just and equal pride in its solid and stately walls. ■

[O]

Posted MLHP: November 20, 2010.