

HISTORY OF THE OLD PEPIN COUNTY COURTHOUSE & JAIL & WASHINGTON SQUARE

by
Terry J. Mesch

Acknowledgments:

This history is based on minutes of the Pepin County Board of Supervisors (1858-to-present) researched and compiled by Benjamin Clark, Charity G. Moore, Robert Bell, Michael Shoup and Terry J. Mesch and from the "Pepin County Courier" newspaper (1886-1889) researched and compiled by Julie Rinholen.

The Old Pepin County Courthouse was built during the autumn, winter and spring of 1873-1874 on Washington Square in the City of Durand, the county seat. Pepin County, Wisconsin's smallest, had a turbulent beginning. The county was created amid serious controversy in 1858. The Village of Pepin had been designated county seat initially, but within ten years it had been removed to Durand 20 miles away.

Pepin was not the only county to host a "traveling" county seat. Numerous other counties also moved the seats of their governments from one location to another. Typically, these movements were forced by a vote of the people and, not surprisingly, the communities with the largest populations eventually took the honors. Pepin County's seat took nearly thirty years (1858-to-1887) to reach its final location in the Village (now City) of Durand.

In 1862, the county seat began informally, if not legally, shifting from the Village of Pepin to Durand. Elected county officers often rented office space in the city or village in which they resided or kept office in their own homes. Initial county board meetings were held in Pepin at the offices of County Clerk Ulysses B. Shaver. Shaver's successor, John Halverson, and most subsequent clerks, had offices in Durand. Representatives from Pepin and Stockholm had to leave Pepin, the formal county seat, and travel 20 miles by horseback or buggy to Durand to conduct county business. Eventually, a majority of the county officers lived in or near Durand, including the county clerks in whose offices the county board of supervisors met.

The geopolitical tug-of-war continued during the county's next twenty years. Tensions were serious enough to cause the county to convene annual citizen conventions at which a slate of candidates for county offices was negotiated and agreed upon before the election. The goal was to assure fair representation of the southwestern townships and villages. By 1868, the county seat had been formally moved to Durand following a vote by residents and a ruling by the 7th Circuit Court at LaCrosse.

Nonetheless, mistrust, petty jealousies and regionalism grew and spread to a third power center in the two northwestern Towns of Frankfort and Waterville. Citizens in Durand were determined to keep the village as the county seat; they recognized the economic and cultural benefits the seat of government brought to their community.

In 1871, the founder and leading citizen of the Village of Durand, Miles Durand Prindle, led the effort to secure the county seat by offering to sell for one dollar an entire block in the village center, known as Washington Square, to the county with the express purpose of construction of a new courthouse on the site. Prindle, however, placed two prescient contingencies in the contract stipulating the county: 1.) must begin construction of a courthouse within five years; and, 2.) must subsequently occupy the building as the seat of government for ten years. A deed transferring the property from Prindle to the county was recorded with the county Register of Deeds in August, 1871.

In March 1873, the County Board received a petition for removal of the county seat from Durand to Section 24 of the Town of Waterville in the unincorporated village of Arkansaw. On a five-to-three vote, the board rejected the petition. This effort for removal caused the citizens in and around Durand to settle the issue once-and-for-all. By April, these Durand activists had gotten the county Building Committee to approve a building design and receive estimates for the costs of construction of a new building to be located in Durand.

On 8 July 1873, the Pepin County Board of Supervisors, on a 6-to-3 vote, approved a resolution to accept the contract with Joseph Gazeley and Martin Maxwell for construction of a courthouse in the Village of Durand. Then, on a five-to-four vote, the Board resolved the new courthouse should be constructed on Washington Square. Miles Prindle vacated the Washington Square property to the county the following day.

The plans and the construction contract between the county and Gazeley/Maxwell have been lost. The cost of construction has been variously reported as \$7,000 and \$12,000. Most likely, the structure itself cost \$7,000; however, later entries into the county board minutes from July 1873 to January 1875 showed additional costs approved for vault doors, lightning rods, stoves, pipes, fixtures, matting and carpeting, furniture, and a privy, which could have pushed the overall costs near to \$12,000. By May 1874, most of the construction had been done and county offices were settling in to their new quarters. However, the county board instructed the county clerk to withhold payment to Gazeley and Maxwell for any extra work performed beyond that specified in the contract until the courthouse had been completed. Final payment was made later that year.

During the May 1874 meeting, the county board approved a request from the Congregational Society in the village of Durand to use the upstairs courtroom "...for purpose of holding religious services at a rate of \$75 per year for Sunday use of said room." The room would eventually be used for numerous other public gatherings and community events.

Half a year later in January 1875, the Congregational Society approached the county board again with a request to use the courtroom during week days "...for Society purposes at the same rate of compensation as now paid." The board appointed a new Building Committee and instructed it to examine the courtroom. The following day the committee reported to the county board that the courtroom "...is in good condition and no damage done by the Society renting the same." By a six-to-one vote, the board approved the Society's expanded rental request. Ten months later in November 1875, the county "Building Committee" examined the court and jury rooms and found "...the court room clean and in good condition [and] the jury room being dirty." Nonetheless, the county board agreed to continue the existing rental agreement with the Congregational Society on the same terms with the added caveat: "...provided they do not interfere with the use of said rooms for court purposes."

Also in November 1875, the county board authorized the Committee on County Buildings "...to build or cause to be built a proper fence around the court house square...."

In November 1877, the Congregational Society once again approached the county to request a change in its rental agreement. This time the Society asked to "...be allowed the use of the court and jury rooms for the coming year at the rate of \$60.00, with the same privileges as heretofore granted." The board approved.

During the same meeting, the board received discouraging news about the county jail, which at the time was located a block away from the courthouse at the intersection of Prospect Street and Wolcott Avenue. A two-person committee assigned to examine the jail reported that:

...one of the locks on an outside door of the jail broken, and a key of another of the same lost....none of the cell doors are fit for use nor can be closed owing to the settling of the building....the foundation is partly crumbled down. But it is our opinion that it will stand until next spring without repairs....the privy we consider is a nuisance, and would recommend that it be removed and a portable one substituted....

One year later, the Committee on Public Buildings (also referred to as Committee on County Buildings and Building Committee) found the jail:

...in reasonably good condition, except the stairs [to the basement] which need some repairing, and two doors in the hall need locks repaired; the plastering is broken in several places; two cell doors need repairing; also the underpinning wall on the south end and southwest side we think should be taken out and rebuilt with hard stone. The out-house is in bad condition. The Court House building we find in good repair, except carpet in the court room is somewhat worn about the stoves, but nothing that needs repairing at present.

[This last sentence implies more than one stove, probably wood-fired, was used to heat the courtroom and upstairs. An old lithograph from 1877 shows two chimneys projecting through the roof on the northeast side of the building. However, the base of only one chimney on the inside of the southeast wall still exists in the basement. It is possible two stoves used the same chimney, one of which was next to the chimney and one at the other end of the room connected to the flue by a long lateral stovepipe. The main level of the building was probably heated by a large wood furnace in the partial basement.]

At the November 1878 meeting, the Congregational Society asked once again to reduce its rent; this time to fifty dollars per year. The board rejected the request on a five-to-four vote. However, one year later in November 1879, a similar request from the Congregational Society was approved by the board.

At its November 1879, meeting, the Committee on County Buildings was authorized by the county board:

...to repair or cause to be repaired the jail, in a good substantial manner for the safe keeping of prisoners. Also to reroof the cupola of the courthouse with slate or gravel to prevent leakage. Also to change the outside doors of the courthouse that they shall open OUT instead of IN. ... Also to furnish sufficient material for a temporary wood shed for the accommodation of the county [fire]wood at the courthouse.

After finding "...the jail in need of such extensive and expensive repairs in order to make it safe and comfortable...", the Committee on County Buildings decided to defer action another year.

At the November 1880 meeting of the Board, representatives from Jail Works of St. Louis and Jail Works of Cincinnati were present with models and plans for a new jail. On a five-to-four vote, the county board agreed to appropriate \$4,500 to build a new jail.

The meeting recessed and reconvened the following day and a resolution was placed before the board that "the Committee on County Buildings...be authorized and empowered to erect a suitable jail and dwelling at a cost not to exceed the appropriation made..." During discussion of the resolution, several members spoke against adoption citing that "...poor crops and the severe floods during the past two years had left people in no condition to pay an extraordinary tax." Proponents of the measure, meanwhile, stated "...the old jail was unfit for use and that the county was as able now...as it would ever be, that hay, corn, meats and all farm products brought good prices and that the building material was cheap." The measure passed on a five-to-four vote.

The *Pepin County Courier* newspaper reported the county had closed a contract with Charles H. Sparks of Des Moines, Iowa for the building a new jail and dwelling. The structure would be a two-story 25'-x-57' brick building and would include the jail proper plus apartments for the sheriff's office and residence. The jail proper was to be outfitted with iron and steel cells "...of the latest improved patterns and when completed Pepin County would have the finest jail of its size in northwestern Wisconsin." The newspaper described Sparks as being a gentleman who would give the county "...a good substantial building at very low figures."

This decision by the county board to build a new jail irritated many county residents, especially those on the west side of the Chippewa River. Local rumors spread inflating the cost of construction to

\$10,000 or \$15,000. Despite corrections posted in the *Courier*, the “West Siders” were not mollified and, although they understood the county needed a new jail, they considered the extra tax to be a hardship and believed the project should be postponed a year or two.

By the county board’s meeting on 4 January 1881, opposition had fomented into a formal petition asking for removal of the county seat from the Village of Durand to the unincorporated village of Arkansaw located three miles west of Durand on the other side of the Chippewa. A committee was appointed to verify the signatures of those who signed the petition.

Meanwhile, in other action the following day (January 5), the board authorized the county clerk to open the court room to citizens of the county for purposes of public entertainment.

During the next couple days, additional petitions asking for removal were received and the committee was allowed more time for verifications. By 8 January 1881, the voter verification committee submitted its results to the full board:

Your committee...have examined said petitions and the poll list of the last general election held in the county of Pepin, ...[and] they find therefrom that two-fifths of the legal voters of the county have signed a petition to change the county seat to the village of Arkansaw, and recommend adoption of the same.

The report was unanimously adopted by the county board, which then, with unanimous approval, ordered:

That the question of said removal of said county seat from the Village of Durand in said County of Pepin to the village of Arkansaw in the Town of Waterville in said County of Pepin be, and is hereby ordered to be submitted...to the qualified electors of the County of Pepin to be voted thereon at the next General Election of the County of Pepin on Tuesday after the first Monday of November, A.D. 1881....

The result of this action then caused the board of supervisors to decide that “...the erection of a jail and dwelling in and for the County of Pepin be and is hereby postponed until after the General Election to be held in November, 1881.” The county board, fearing problems with contracts it had previously entered into, instructed the Building Committee to:

...take all legal action as may be necessary to protect the county from all expense from erection of a jail during the season of 1881, and if necessary to bring action in the name of the County of Pepin and employ counsel to prosecute said action, and also to defend any action brought against said county arising or growing out of the said jail matter.

In final action of the day on January 8, the county board amended its action of three days earlier to open the court room to public entertainment to clarify that such “...entertainments shall not be construed to include dancing.”

The agreed upon contract with Charles Sparks of Des Moines to build the jail and dwelling in Durand was a problem. In May 1881, the county board was presented with a resolution stating that “...one Charles H. Sparks...has neglected and refused to perform the conditions of said contract...and by reason of such failure said contract has become voidable.” The resolution that the contract be “...declared by the county to be forfeited and void...” was rejected by a four-to-five vote of the board.

Due to fortuitous pre-negotiations between Mr. Sparks and the Building Committee, the county was able to escape the contract under the following conditions:

The present contract...he will annul and make void...in consideration that the county will purchase of him the Pauley Cell for the sum of \$2450. Said cells to be delivered, and paid for by May 1, 1882. It shall be at the option of the County Supervisors to order the cells at any time prior to this date, ...In order to stay a future expenditure of money...until the county seat question is decided and so long as the cells will be needed when the county seat question is decided, your Committee would recommend that such a settlement of the affair be entered into....

This report by the Building Committee was approved by a five-to-four vote. The very next action of the county board during the 5 May 1881 meeting, also passed by a five-to-four margin, was a resolution:

...to enter into a contract with P. J. Pauley & Bros. of St. Louis, Missouri through their agent Charles H. Sparks for two steel clad jail cells and other iron fixtures of a jail in accordance with plans and specifications now exhibited by the said Charles H. Sparks at a price not to exceed \$2450, said cells and iron works to be delivered at the county seat of this county on the 1st day of May, 1882...the said cells and iron work to be paid for when cells and iron work is set up and approved by the County Board.

Despite the turmoil created by the prospect of the county seat moving to Arkansaw, the county board did not ignore its responsibility to maintain the existing courthouse in Durand. On 6 May 1881, the board authorized and instructed the Committee on County Buildings:

...to protect the foundation wall on the Court House Square and to recover whatever moneys have been drawn from the Treasury for the payment of material to be used to construct a jail and dwelling, and to bring suit in the name of the County, if necessary, or to make such amicable settlement as they may deem just.

The next six months were troublesome times for all citizens of Pepin County. On 10 July 1881, two brothers, Charles and Milton Coleman, were killed in a shoot-out in Durand. The alleged killers, brothers Alonzo and Ed Maxwell (alias Williams), fled the scene. Charles Coleman was a highly regarded member of the community, a beloved father, husband, son and former Pepin County Sheriff. At the time of his death he was an employee at the old and dilapidated jail in Durand. His brother, Milton, was an Under-sheriff in neighboring Dunn County.

The ensuing manhunt for the Maxwells captured the attention of the major newspapers in the nation. Historians have called the manhunt the “largest in Wisconsin history” and even the “largest manhunt in U.S. history”. Pepin County was expected to pay the bills related to the search for the Maxwells.

Ed was later captured in Nebraska and returned to Durand to stand trial. At Ed Maxwell’s preliminary hearing on 19 November 1881, the court room of the courthouse on Washington Square was packed with spectators. Maxwell was bound over for trial. As he was being led from the courthouse, law enforcement officers were subdued by several unknown men and Maxwell was dragged across the square to a tree northeast of the courthouse and lynched. This was the most notorious event to occur in the courthouse’s history and the hanging tree became an infamous point of interest to curiosity seekers for many decades to follow.

[An interesting article was printed in the *Courier* in October 1887 about the hanging tree: “Some of the nervous housewives in the vicinity of Court House square were somewhat startled early this morning to see a number of bodies swinging from the Ed. Williams oak near the Court house, they in each instance rushed back into the house to ascertain if the head of the family was safe in bed, upon being satisfied

upon that point, they proceeded to investigate the affair. The stiffs proved to be only straw men clothed in the habiliments of civilized life and intended to represent the seven condemned anarchists who probably looked on the glorious sun light for the last time to-day." The "seven condemned" refers to the seven anarchists convicted for the bombing at Haymarket Square in Chicago and sentenced to the gallows.]

Just two weeks earlier, on the Tuesday following the first Monday of November, the voters of Pepin County decided to remove the county seat from Durand to Arkansaw effective 1 January 1882. At its November 23 meeting, the county board resolved to ask the Governor of Wisconsin to "...issue his proclamation changing the county seat of this County from the village of Durand to the village of Arkansaw on or about the 1st day of Dec. 1881."

Next, the board authorized the Committee on County Buildings "...to provide suitable accommodations for the county offices at Arkansaw and cause the books and fixtures to be removed thereto whenever the Governor shall issue his proclamation...."

Meanwhile, an article in the *Pepin County Courier* from December 1881 reported a new movement underway to remove the county seat from Arkansaw to the Village of Pepin. In an editorial comment, the *Courier* stated, "We understand that petitions for the removal of the county seat from Arkansaw to the village of Pepin are in circulation throughout the county. ... We suppose it may as well be kept on the move now that it has started."

In another editorial that same month, the *Courier* said:

We made a trip to the county seat [in Arkansaw] last Tuesday and found the officers comfortably located in their new quarters. But we think any property holder in the county who will visit the building will be convinced of the foolishness of changing the public records from safe fire-proof vaults to an insecure wooden building, and having a large proportion of them deposited in the second story whence it would be almost impossible to remove them in case of fire. The Board of Supervisors should at least provide fire-proof safes for the Register of Deeds office. Many of our citizens who resided in this county when it was a part of Dunn and had their records burned at Dunnville can appreciate the inconvenience and loss to the county should the records be destroyed.

[The "records burned at Dunnville" refers to a fire in 1857 which destroyed the building in the village of Dunnville being used at the Dunn County Courthouse before the county seat was moved to Menomonie. The two townships, Pepin and Bear Creek, which became Pepin County in 1858, were part of Dunn at that time and all existing land records were destroyed in that fire.]

During its 10 January 1882 session, the county board was presented petitions signed by over 700 qualified electors in the county asking for a change of the county seat from the village of Arkansaw to the village of Pepin. The petitions were referred to the Committee of the Whole for review. Two days later, a resolution was presented to the board stating that two-fifths of the legal voters in Pepin County who had voted at the last general election (8 November 1881) had signed petitions asking that the county seat be changed from Arkansaw to Pepin and should be voted on at the next general election in November 1882. However, a substitute resolution was offered which stated that two-fifths of the legal voters at the last election had NOT petitioned the change and that no further action on the matter should be taken. When the substitute resolution was called to a vote, it was rejected 4-to-5. The original resolution passed 5-to-4.

In other action, the board continued to show its ownership responsibilities for the "former" courthouse in Durand when it authorized the county treasurer "...to get the Court House insured for the ensuing year in some reliable Company for a sum of not less than \$4000." The board also

authorized payment to J. P. Pauley & Bros. of St. Louis for the purchase of the jail cells, which had arrived in Pepin County and were temporarily being stored in the Village of Pepin.

The following November the *Pepin County Courier* reported, "The proposition to move the Co. Seat to Pepin was defeated by a heavy majority, which we think the taxpayers will regret when they come to foot the bills for new County buildings at Arkansaw." The question in many citizens' minds now became when the county seat would be removed back to Durand.

On November 17, 1882, the county board instructed the sheriff to "...close and keep closed the building in the Village of Durand formerly occupied as a courthouse, except....Said Sheriff may rent the rooms in said building...." Later that same day, the county board instructed the Committee on County Buildings "...to solicit bids for the purchase of the Court House building and the Jail and lot in the Village of Durand...."

By January 1883, Miles Durand Prindle and the Village of Durand began their legal efforts to reclaim title to Washington Square and the courthouse, citing the county's failure to occupy the property as the county seat for ten years as stated in the original contract between Prindle and the county. The county board sought to reach an amicable agreement with Prindle and the Village of Durand and appointed a special committee to pursue the matter. The board, at its 5 January 1883 meeting, instructed the committee and the District Attorney "...to secure such legal services as they deem necessary to protect the interests of the county.... [and to]enter such amicable suit within thirty days...to quiet the title to said property."

The board then instructed the County Clerk to sell the jail property to the Village of Durand and resolved the jail be closed as a public building for any county purpose. The Clerk was also to notify the Sheriff of the board's action and advise him that from that day forward the county "...would deem him a tenant at will, and hold him liable for rent...so long as he shall occupy the same...." The next day, recognizing the county would still have financial responsibility for housing and feeding prisoners, the county board authorized payment "not exceeding One Dollar per day" to the purchaser or tenant of the jail property in the Village of Durand for "...keeping of persons properly chargeable to the county...." The board also transferred management of the former courthouse from the Sheriff to the District Attorney "...during the pendency of the action to determine the ownership thereto..." and, as compensation for his services, "...to have the use of one room now occupied by the District Attorney in said Court House."

The county board also instructed the Committee on County Buildings to arrange for a rental space for the Pauley jail cells in Arkansaw and for their conveyance from Pepin to Arkansaw. Meanwhile, obvious concern among members of the county board about how long the county seat would remain in Arkansaw became evident. A resolution to consider construction of a new jail at Arkansaw failed on a one-to-nine vote.

By August 1883, Miles Durand Prindle had given up on an amicable agreement with the county and took control of the former courthouse. The following article appeared in the *Pepin County Courier*:

The Court House Matter.

As we stated last week "improvements" had been made in the Court House. The said improvements were in the shape of tearing out a part of one of the partitions, making one room out of two, with perhaps some other slight changes. The work was done under the orders of M.D. Prindle who, as most citizens of the County are aware, claims to own the property since the county seat was removed. Mr. Prindle has moved into the building, probably for the purpose of forcing a suit to "try titles" with the County. District Attorney Fraser, in whose charge the building was placed by the County Board, desires us to say that the entry was made without his permission, that he ordered the carpenter to stop work, and that Prindle moved in during his absence from town.

Last fall there was talk of an amicable suit being arranged to settle the title, each party to stipulate their side of the case, but as the County had nothing to stipulate until a suit was commenced the matter was dropped. Subsequently the County Board obtained an opinion from one of the best attorneys in the State, who after a careful examination of all the facts in the case, rendered an opinion that the County would hold the property, the only question being as to whether it belongs to the County of Pepin or the village of Durand. Since Mr. Prindle's last move this attorney has again been consulted and he says that Prindle has no more interest or right in the building than any other citizen of Pepin County.

We have talked with nearly all the business men of this village and they are without exception opposed to this attempt to steal County property, and insist that the County Board ought to do something about it at once. If the property belongs to Durand, then the village ought to have the benefit of it, and the same if the County owns it.

And another thing. It is reasonably sure that at no distant day the county seat will be returned to Durand but if any individual is allowed to appropriate the court house is it reasonable to suppose that voters on the west side will vote the county seat back here and vote a tax for a new building and more land? If the village should own it, we can guarantee that it would be returned to the county, without cost, for county seat purposes. Would any single individual be liable to do that?

At all events let's settle the question. As one member of the County Board said we are in favor of ejecting Mr. Prindle...and finding out by due course of law who owns the property just as soon as it can possibly be done.

By January 1884, the case had gone to trial and Judge Egbert B. Bundy made the following decision as recorded in the *Pepin County Courier*:

This is an action of ejectment to recover possession of a certain Block in Durand, Wis.

It appears that some time prior to the erection of the building now standing on the premises and which was formerly used as a Court house, the Defendant and his wife conveyed the premises to the county for the nominal consideration of one dollar, 'upon the express condition and terms that the said county of Pepin erect thereon within five years a Court House for the use of said County and shall keep and maintain the same thereon for the space of ten years.'

The Plaintiff thereupon erected a Court House upon the premises and continued to occupy the same as the seat of Justice for the county for about seven years, when the county seat having been removed to Arkansaw, it ceased to be used as a Court House and was left in charge of an agent of the county until the Defendant entered and took possession claiming a forfeiture of title or the breach of condition to keep and maintain the building for ten years.

The questions involved are, was there a breach of condition and, if so, had the Defendant a right of reentry for that reason.

The conditions of the deed are *Subsequent*, the title having passed to the county subject to being defeated by a failure to comply with conditions. This is conceded, and it will also be conceded that such conditions, especially when relied upon to work a forfeiture should be strictly construed.

It is claimed by the Plaintiff that the condition to maintain a Court House for ten years was complied with by the maintaining of the building constructed for a Court house and being suitable for that purpose, though for several years prior to

the lapse of ten years no courts were held in it, and it was not the seat of Justice for the county.

I cannot agree with the learned counsel for the Plaintiff in this construction of the law. I think a Court House is the building where the Courts of the county are held. Webster's definition of Court House is, "A house in which established courts are held or a house appropriated to courts and public meetings."

No rule of construction, however strict, can, under this definition, make a court house of a building in which no courts are or lawfully may be held.

The Statute (Sec. 656) provides that each county shall erect a court house at the county seat, and that until such house is erected the Board shall appoint some other suitable building at the county seat for that purpose temporarily and that such building so appointed shall be deemed the court house for the time being for all purposes.

It is presumed that the county board have in this instance pursuant to this statute, named a certain building at the county seat as the Court House. The Statute says that building shall be deemed the court house for all purposes. Now as there is no provision for two court houses and the one at Arkansaw is *the* court house, it is difficult to see how the building in question can be *a* court house. I am compelled therefore to hold that the building in question ceased to be a court house on the removal of the county seat and that the condition of the deed to keep and maintain a court house on the premises in question has not been complied with by the county.

As to the other question the right of the Defendant to claim a forfeiture and enter for condition broken. This depends upon whether the condition became void by operation of law by the removal of the county seat thus making it impossible for the county to fulfill. As I read the case of Daniels vs. Wilson, 27 Wis. 492, it seems to have settled that question in favor of Defendant. That was a case where the grantor conveyed to the county a piece of land for county purposes, "Provided always that the land is sold for county purposes so long as the county seat remains in New Lisbon and if at any time the county seat is removed from said village then the conveyances to be void, &c.

It seems that afterwards the county seat was changed, the grantor re-entered for condition broken, and the court sustained his claim to the land.

It appears to me that that was like this, a case of conveyance upon condition subsequent. It was so treated by the counsel in that case and thus the points involved were precisely like those in this case. There, as in this case, the county as such did not remove the county seat, and it was powerless to prevent it, it was done by the Legislature by the consent of a majority of the voters, and yet the Supreme Court held that such removal worked a forfeiture of the estate.

In case of Police Jury Reeves 18 vs Martin, (La.) 221, is a case when a similar conveyance for county purposes was made to a county conditioned that county buildings were to be erected thereon. They were erected or partially so when the electors moved the County Seat. It was held that such removal worked a forfeiture of land.

The reasoning of the court in this last named case seems sound and commends itself to my judgment.

As this case stands, judgment must be for the Defendant.

This decision was challenged by Pepin County and ultimately went to the Wisconsin State Supreme Court. In November 1884, the *Pepin County Courier* reported the Wisconsin Supreme Court

had "...rendered a decision affirming the decision of Judge Bundy in the court house case, which gives the property to M. D. Prindle."

Meanwhile, the movement to change the county seat back to Durand was gathering momentum. Not only was the existing courthouse building itself a carrot, but other concerns were expressed, as in the *Alma Journal* in October 1884 and reprinted in the *Courier*:

...it would have been a nice state of affairs to force the county officers to go over [the Chippewa River] from Durand to the county seat in Arkansaw during high water. There is but one man in Durand that could have made it and that man is the present member of the Assembly. He could have waded over, but neither Miletus nor Coffin nor Morgan, none of these fellows could open their offices during such a rise. No, Durand must have the county seat again, by all means.

Miles Durand Prindle now had to deal with officials of the Village of Durand, who also made their case that the Village owned Washington Square. Everyone in Durand wanted to see the county seat returned to the Village. However, Prindle was a proud and stubborn man and refused to deal directly with the county to once again transfer the courthouse square to Pepin County. The *Courier*, in July 1885 reported Prindle had agreed to sell the property to the Village of Durand for \$2,500.

By November, petitions had been circulated around the county requesting, once again, a vote to change the county seat; this time from Arkansaw back to Durand. At the county board's 11 November 1885 meeting, W. H. Huntington, editor of the *Pepin County Courier* and member of the county board, presented the petitions to the board and requested a special committee be established to review the matter. The motion died on a tie vote. Huntington then made the motion that the petitions be submitted to the Committee of the Whole for review, which passed seven-to-three.

Three days later, a motion to indefinitely postpone the petition was defeated eight-to-two. Then Huntington offered a resolution stating two-fifths of legal voters who had voted in the most recent election had signed the petitions for removal of the county seat from Arkansaw to Durand and now requested the question be "... submitted to the qualified electors of the county of Pepin to be voted thereon at the next General Election to be held in said county of Pepin on Tuesday after the first Monday of November, A.D. 1886,..." The resolution passed on a seven-to-three vote.

The old jail was also on the agenda at the board's November 1885 meeting. A proposal to sell the old jail for \$300 was referred to the Committee on County Property. Later, the committee offered a resolution to offer for sale for two weeks the old jail and real estate it stood on to the highest bidder for a sum not less than \$300. A week later the board resolved to offer the jail and land to the Village of Durand for not less than \$500.

No mention of the upcoming election was made in the county board minutes from its February 1886 meeting. However, a small note appeared stating the Village of Durand would be locating its school primary grades in rooms at the former courthouse.

Official "Notice of Special Election" appeared in the 24 September 1886 edition of the *Courier* advising voters about the November election, when they would once again decide whether or not to move the county seat. The court-house itself now became the most influential factor in determining the outcome of the election.

On October 21, the Durand Village Board deeded the court house and Washington Square to the county. The *Courier* reported, "The Village Board of this Village have made and executed a deed of the Court House property to Pepin County..." The *Courier* received a copy of the transfer and published it in its 22 October 1886 edition. The deed stated:

...said County of Pepin shall hold and possess said described premises perpetually, so long as the same is used for County Seat purposes, and that whenever said premises

shall cease to be used for County Seat purposes, said premises shall revert to said Village of Durand and this indenture shall then become null and void.

The Village of Durand agreed to deliver the deed to the County Treasurer by October 25 to be kept in trust until the results of the November election were known. The Treasurer "...shall on receipt of the proclamation of the Governor of this State announcing the removal [from Arkansaw to Durand], deliver the same [deed] to the County Clerk of Pepin County..., but in case of non-removal of the County Seat the deed shall be returned to the Village Clerk of Durand."

The *Courier* in this same issue published a lengthy editorial in support of removal. The editor/publisher W. H. Huntington, a member of the County Board of Supervisors, wrote:

The acceptance of this proposition by the voters...removal of the County Seat to the village of Durand obviates the necessity of erecting a Court House which...will draw from the pockets of the taxpayers of the County from ten to fifteen thousand dollars. This...should be seriously considered by the voters at the coming election. The Court House can be painted and repaired at a trifling expense and it will then be all sufficient for the needs of this County for twenty years. The vaults are in good condition and will afford ample security for the County records, which will be a marked contrast to the careless and almost criminal manner in which they are now kept, being entirely at the mercy of a fire. It seems to us that with this liberal offer before them the voters of this County will have no hesitancy to give their votes for a removal of the County Seat to this place.

A week later in its October 29 edition, Huntington continued his lobbying efforts:

It is not so much a question of Durand and Arkansaw as it is a question of dollars and cents, to the taxpayer. ... If the County Seat remains at Arkansaw a court house and jail must be erected at that place. It will not be safe nor advisable to longer permit the records of the county...to...remain in their present insecure and exposed condition. ... On the other hand the Village of Durand offers the former court house and grounds, which are to-day worth \$10,000 *free of cost* so long as occupied for county seat purposes. ... the building has four good fire-proof vaults large enough to hold all records of all the offices, and is in every way suitable for the wants of the county. ... Let the county seat remain at Arkansaw and a heavy tax is necessary to erect buildings. Move it to Durand and no tax nor expenses will be incurred except the bare cost of hauling the county property over here. ... Let no old sores or favorite candidate for a county office influence your action on the county seat question. If a man you don't like gets an office, it don't cost any more to pay him than it would any other, and he only holds his grip for two years. But if the county seat remains at Arkansaw this time it will doubtless always stay there, which beside the inconvenience now will more than double the taxes of every resident of this county the next two years.

In these last two sentences, Huntington was probably talking about the County Judge, S. L. Plummer. The *Star*, a weekly journal published in the Village of Pepin, included a "supplement" to its pre-election edition appealing to the voters to allow the county seat to remain at Arkansaw. A separate editorial carried in the October 29 edition of the *Courier* from unnamed "Citizens of Durand", responded that the *Star* supplement had "...the ear marks of Judge S. L. Plummer...we assume him to be the author without further comment." The full column editorial blasted Plummer for the fallacy and hypocrisy of his arguments and ridiculed him for incompetence:

Thinking taxpayers of the County who remember the past can recollect these facts:

1. S.L. Plummer was the main cause of the County Seat removal five years ago.
2. He told voters that the County would hold the property [Washington Square] in spite of the 'conditional deed' which he now ridicules.
3. He was chairman of the Co. Board which settled and paid Seely & Bruenn \$700—instead of \$1500 as he claims, and purchased the jail cells which have been kicking around the county ever since. Plummer advised and engineered this entire scheme and now whines about it.

He insisted on carrying the case between Prindle and Pepin County [over ownership of the former courthouse] to the Supreme Court, against the advice of the District Attorney, the County was again beaten and at a cost of several hundred dollars to the taxpayers.

Mr. Plummer has been an expensive luxury to Pepin County in the past. Will the taxpayers and voters again accept and follow his advice with the above facts, within memory of all staring them in the face. We think not. [Signed] CITIZENS OF DURAND"

Ultimately, the voters of Pepin County approved removal of the county seat from Arkansaw to Durand by a vote of 937 to 618 in November 1886. The measure won in five of the eight municipalities and in Albany, Durand and Lima not a single vote was cast against. Surprisingly, Pepin also voted in favor of removal. Meanwhile, Waterville (the rural township in which the unincorporated village of Arkansaw is located) and neighboring Frankfort both voted overwhelmingly against.

However, the controversy had not yet run its course. The Board of Canvassers, charged with verifying the vote, became mired down in squabbling among its members. In the meantime, the county board was obligated to continue to meet in the rented building at Arkansaw. The matter was put before the courts and the members of the Board of Canvassers were served with a Pre-emptory Writ of Mandamus ordering the board to perform its duties. The canvassers finally met and certified the results of the vote.

The county board's 3 January 1887 meeting was still held at Arkansaw. At that meeting, the county board authorized the Committee on County Buildings to provide suitable offices for county officers and for the courts in the court house at the county seat at Durand. On 12 January 1887, Governor Jeremiah M. Rusk proclaimed the county seat should be in the Village of Durand. Within a day, news had reached Durand and the Judge and Clerk of Courts immediately went to Durand and requested they be given rooms in the court house for their offices. Other county officers chose to wait until they had the opportunity to see the proclamation in print. The governor's proclamation finally put the controversy of the county seat to rest.

The following week the *Courier* reported, "The committee of the county board whose duty it is to provide the county officers with quarters at the court house have been busy this week in getting the rooms in shape."

The first meeting of the county board in its "new" quarters was held in November 1887. This meeting ran over a period of five days with the board primarily occupied itself with reorganization, bills payable, Clerk's and Treasurer's reports and other mundane business. The only item of interest related to county properties was authorizing the Sheriff to occupy the former jail located on Prospect Street one block from the court house for living quarters and jail.

No one had been interested in the purchase of the old jail, which continued to be used to house prisoners for another ten years. Entries into the county board minutes show regular expenditures for the housing of prisoners, building materials for repair, stove and pipe, etc.

One of the first major courthouse maintenance projects came in early 1888 when the county had the courthouse's exterior repainted. The *Courier* reported in its March 23 issue:

The job of painting the Court House was let Tuesday to John Simpkins for 6 cents per square yard. The county to furnish the paint. It is estimated that the whole cost of the job will be very close to \$150. Mr. Simpkins is a good painter and will make the Court House look like a new building before he gets through with it.

The county board, now comfortably housed in the courthouse in Durand, had time during 1888 to consider changes in the appearance of Washington Square. Numerous shade trees, which had been planted on the front lawn, had become convenient hitching posts for the horses of visitors to the courthouse and to businesses in downtown Durand. The wastes of these animals and the packing of the ground from their stomping hooves around the bases of the trees were killing the trees and the lawn on the square, which had become an eyesore. The *Courier* reported:

“Several more trees on the public square have been ruined the past season by being used as hitching posts. And in spite of the protests of a number of our business men who laid the matter before the common council [of the City of Durand] early in the summer and asked that some provision be made for hitching teams, but nothing was done and the destruction of the few remaining shade trees goes on. If something is not done at once to provide a place for farmers to hitch their teams, by another year there will not be a tree worth saving on Washington Square. Those interested in the protection of public property or the convenience of those who come into town with teams should make themselves heard before the city fathers. They are the men to look after this matter.

Although the *Courier* called upon the city fathers to take action, the county board, at its November 1888 meeting appointed a committee to investigate and submit plans and cost of construction of a fence around the courthouse square. The *Courier* lauded the board’s initiative and prodded the city council to take action in its November 23 edition:

The square has long needed fencing and we are glad there is a prospect of its being done. There is but little doubt that if the square was fenced that the city would do something in the way of setting out some shade trees. Nature has done much for the square and a few hundred dollars judiciously expended would make it a very fine looking place.

While the wheels of government turned ever-so-slowly, the trees continued to die. A short note in the January 11, 1889 edition, the *Courier* reported, “Wm. Seely cut down several of the dead trees on court house square this week, and for fear he might cut down the Williams oak [the tree from which Ed Maxwell had been hung in 1881], the *Courier* served an injunction on him, which preserved that tree from the ax of the spoiler.”

The county board met in January 1889, but took no action on the fence. In November 1889, the county board agreed “...to procure the creation of a suitable fence around the Court House Square....” A year later (November 1890), in an effort to continue improvements to Washington Square, the county board “...authorized and directed [the Committee on County Property] to have a side walk built along the Madison Street side of Court House Square and to have the square graded up to the grade of said side walk, at a cost of not to exceed \$125.00.”

In 1892, the board approved the sum of one hundred dollars be appropriated for putting in a well and pump, amenities not before seen on the Court House Square. However, it is likely the court house previously had an artesian well or a cistern beneath the building for collection of rainwater and a small hand-pump to extract water for incidental uses in the building.

In late 1894, the county board discussed electrification of the court house during its annual meeting. The matter was postponed until the following January.

At this same November meeting, the county board was read the following letter:

Madison, Wis. Nov. 13, 1894

A. J. Wallace. Co. Clerk.

Durand Wis.

Dear Sir,

Will you please lay the following communication before your county board now in session. A recent inspection of the county jail of Pepin County by a member of the State Board of Control demonstrates its unfitness for use and unsafety. Believing that your county would much rather erect a new jail without resolving to condemnation proceedings but unless a new jail is provided for at this session of the county board, this board [State Board of Control] acting under its authority and duty will proceed to condemn as provided by Sec. 565a Chap. 218 law of 1889.

Hoping you will provide for a new jail at this session of your County Board I am yours respectfully,

E. Janes, President.

The board, realizing its days of procrastination had finally ended, took the following action:

Resolved that it is the sense of this County Board that a new jail building [including a residence for the sheriff] be erected during the ensuing or coming year on the Court House Square (on the westerly side of the Court House) in the city of Durand according to such plans and specifications as shall be approved by the State Board of Control.

Resolved further that the sum of two thousand dollars be and it is hereby levied upon the taxable property of Pepin County to defray the expense of building said jail and the County Clerk is hereby directed and ordered to include this sum in the next tax levy or apportionment in order that the same be collected from and by the several towns in this county in the next ensuing tax rolls thereof.

A special three-person "Jail Committee" was appointed to prepare plans for a suitable jail and instructed to "...report the same to the County Board at its...meeting in January 1895." The committee got to work immediately and had drawings and specifications for a new jail and sheriff's residence completed by the board's meeting on 7 January 1895. The only change from the plans submitted by the Jail Committee was substitution of double brick walls in place of rock for the jail.

The board then authorized the Committee on Jail Building to borrow a sum not to exceed one-thousand dollars at a rate of interest not exceeding eight percent to use in addition to the two thousand dollars already allocated to pay for the construction. The board instructed the committee to have construction of the jail and sheriff's residence completed by 1 November 1895, in-time for the board's next meeting.

Within a month the Jail Committee had secured a contract:

This article of agreement made by and entered into on this 18th day of February A.D. 1895 by and between Pepin County...and Henry Bruenn of the city of Durand...Witnesseth:

That whereas: The County Board...has decided and voted to build a jail and sheriff's residence on the Court House square in the City of Durand...has furnished plans and specifications for the construction of the same and has received bids

therefore; and the bid or offer of the said Henry Bruenn...having been on Feb. 8th, 1895 accepted by said Pepin County to do and perform or build and construct the same for the sum of \$2200.

Now therefore the said Henry Bruenn hereby agrees and undertakes to furnish the labor and material to build construct and complete the said jail and sheriff's residence according to said plans and specifications...: Said buildings to be completed by Nov. 1st 1895.

...Pepin County agrees to pay...such sums as the work progresses...not exceeding seventy five percent of the total cost to the time of such payment...and the balance due shall be paid when said buildings are accepted by the county board. It is expressly agreed and mutually understood that Pepin reserves the right to make such changes or additions to said plans and specifications as may be suggested or desired by the Building Committee...and to put a bath tub and connections in said building at its own expense.

On 13 November 1895, "The County Board, having inspected the new jail and sheriff's residence as a Committee of the Whole, report that they find that it conforms to the contract made with the county by the builders thereof and ... accepts the said building from Henry Bruenn and J.P. Fox as a completion of their contracts with the county." The board instructed the Committee on County Property to investigate the purchase of a stove for the new jail and authorized the committee to sell the old jail at the end of Wolcott Street to the highest responsible bidder. An offer to purchase the lot for one dollar came three days later, but was rejected by the board.

The county board also agreed to reimburse the Sheriff a rate of sixty cents per day or three dollars per week for the food and washing of each prisoner confined in the county jail. However, the board made the caveat: "Provided that the county of Pepin will not be liable for any tobacco furnished such prisoner or for lights and bedding for the jail building. ...fuel for said jail building and residence to be furnished by Pepin County."

The following day, the county board formally declared the old jail closed for all jail purposes and the new jail "...open for use, as the county jail of the said County of Pepin....[effective] on the 15th day of November 1895 at the hour of 12 o'clock noon." The board also approved the purchase of a furnace for the new jail and sheriff's residence at a cost of \$195.

The county board further resolved "...the Committee on County Property be...authorized and instructed to employ at the expense of the County, a competent person to keep the outside doors of the Court House locked during the hours the same is not open for public use, and take proper care of the Court House grounds, and to perform such other duties as said committee may require; provided that the compensation for such service required shall not exceed the sum of \$2.00 per month...."

Development of Washington Square slowed during the next several years. County offices now filled the courthouse building to its capacity and the board decided in 1896 to discontinue renting or use of any offices or rooms to any private individuals. This prohibition did not affect public use of the upstairs courtroom. Upon inspections of the one-year-old county jail and sheriff's residence, the county board found the structures "...in first class order...." The Committee on County Property kept vigilant about maintenance with "...necessary repairs on county building ...fixing sewer...furnace repairing."

In 1897, an agent of the Wisconsin Telephone Co. approached the county board and asked permission to install a telephone in the County Clerk's office. The board rejected the idea. During the ensuing year a telephone was installed in the courthouse, ignoring the board's earlier decision. In November 1898, a bill for eighteen dollars by the Durand Telephone Co. was "disallowed." Four days later, "...the telephone in the Court House was ordered disconnected...." However, the following

January, the county board approved "...the telephone in the jail and Court House to be retained in use provided the same can be had for a sum not to exceed \$12.00 per year in all."

With the 20th century fast approaching, the county board decided that modern conveniences had become a necessity. In November 1899, the board finally resolved that "...the Committee on County Property be...instructed to have electric lights put in the Court House and Jail [and Sheriff's residence]. Not to exceed twenty lights and also a twenty light meter."

The sheriff was held responsible for paying the cost for electricity in the sheriff's residence. The sheriff likely felt this cost exceeded his ability to pay based on his salary and the revenues he was currently receiving from the county for operating the jail. In January 1901, the county board acquiesced and authorized the Committee on County Property to "...make such arrangements with the sheriff for lights in the jail and residence not to exceed \$12.00 per year. Expense to the County."

Improvements to Washington Square and the county buildings continued. A new furnace was approved for the jail and sheriff's residence in 1901 and in 1906 the board authorized the Committee on County Property to "...receive bids and let the contract for an artesian well to be drilled in the Courthouse Lot...and make proper arrangements to connect pipes with such well for sufficient water supply for all purposes in the County Court House and County Jail."

The next major improvement project began in November 1907. The courthouse had originally been built with only a crawlspace or partial basement under it. The county board resolved:

That not to exceed two thousand dollars be and the same is hereby appropriated for the purpose of building a suitable basement under the present Court House Building of the County of Pepin located in the Court House Square in the City of Durand and for the purposes of providing necessary and proper closets, lavatories and plumbing and also for the further purpose of installing a suitable steam heating plant for heating said Court House Building. And provided that all contracts for and the supervisors of said proposed improvements be under and by direction of the Committee on County Property.

A year later, the basement project had been completed and the board approved an additional \$2000 expenditure for the installation of a steam heating plant and a water closet in the building. In 1909, the Committee on County Property was instructed to purchase new seats for the upstairs courtroom and for papering and painting it. Estimates were also to be gathered for putting a new steam heat system in the jail and sheriff's residence. By January 1911, the board authorized installation of "...a suitable incloser [sic] around the toilet in the basement of the Court House."

Now that the thirty-five year old courthouse had been outfitted with all the latest conveniences and equipment, the board decided in November 1912 it was time to hire a janitor to look after everything and keep it in good operating condition. The board also approved construction of a new chimney in the residence part of the jail.

Automobiles and other types of motorized vehicle were now becoming popular and some drivers were apparently not staying on the roads and streets. Out of its concern for the destruction being done to Washington Square, the county board in November 1913:

Resolved, That all persons are forbidden to drive any vehicle over, on or across the Court House square in the City of Durand without the consent of the Committee on County Property. Under a penalty of a fine of five dollars, and persons are requested not to walk across said Court House square except on the walks.

During the next decade, the board, owing to its good stewardship, did not have to pay so much attention to county properties. The board attended to incidental maintenance and minor

improvements, gave instructions "...to beautify the court house square without elaborate expense..." and approved the purchase of safes, adding machines, etc.

The court house had been outfitted with built-in fireproof vaults on the main floor at some point. An old photo (date unknown) shows a window on the northwest side of the building had been removed and sided over. Another photo (the only known photo of the interior of the building) shows a large vault in the judge's office at the same location where the window had been. Further indication of these vaults is mentioned in the January 1917 board minutes, which show the board authorized the Committee on County Property to buy "...safe cabinets or equipping vaults with steel filing...."

In 1925, the board authorized construction of a "...good fence to be put up around the Jail, also screens for the windows." The following year, the City of Durand asked for and received permission from the board to build a rest room on the courthouse grounds.

By 1927, the nation's economy had slowed and petty crime and the presence of transients were increasing in the county. The County Sheriff received permission from the board to begin charging prisoners and transients confined in the county jail up to forty cents per meal and forty cents per night for lodging.

The now thirty-year-old jail had begun to show signs of wear-&-tear and, in November 1928, the County Property Committee was instructed to investigate needed repairs to the jail and to report back to the board at its January 1929 meeting. The topic was not mentioned in the January meeting minutes.

The most serious incident to threaten the existence of the Pepin County Courthouse occurred in October 1931. The following account in the *Courier-Wedge* [the *Pepin County Courier* and rival newspaper *The Entering Wedge* had consolidated several years earlier] tells the story:

COURT HOUSE DAMAGED BY FIRE:

Blaze Monday Forenoon Caused Considerable Commotion

—Offices Flooded With Water

Shortly before 10:30 Monday forenoon the fire alarm was sounded and it was learned that there was a fire at the court house. A large crowd of spectators was soon on the scene.

The Durand fire department responded quickly as usual and were soon battling the blaze. The fire seems to have resulted from a defective flue as the blaze was worst near the flue at the south end of the building next to the railroad. It required long ladders to reach the blaze which was located high up in the gable. It was not long after a window was taken out in the gable and a hose inserted until the blaze was under control. The garret was filled with flame and smoke nearly the full length of the building, the blaze breaking through the [court] room in places but with two streams of water playing on the roof the fire did not last long.

The court room and offices below were not damaged much [by fire] as it looked as though they might be for a while. The offices of County Judge W.B. Newcomb, County Agent C.C. Gilman, County Clerk W.P. Unser and County Treasurer C.V. Hewitt were damaged considerably by water. In the office of Mr. Gilman considerable plaster fell from the ceiling and more may fall later in the office rooms and also in the court room upstairs.

When the fire was raging most nearly all the furniture and books were removed from the office rooms. In the afternoon the furniture and books were returned to their respective offices.

The loss was in the neighborhood of \$2500 which was covered by insurance.

Another short article in the 22 October 1931 *Courier-Wedge* reported the following:

The county received \$3500 insurance for damage done to the court house Monday of last week. The work of repairing is now in progress. The building was in need of a new room before the fire and that is now being put on. A new chimney is being put up on the outside of the building and damaged plastering in the different offices is being repaired.

Though the fire caused only minor structural damage to the building, smoke and water caused considerably more. Numerous items in the "Fire Loss Report" presented to the county board at its 10 November 1931 meeting showed expenses for: cleaning, rewiring and electrical repairs, clock repair, labor and materials, plaster replacement, painting, curtains, etc.

One major repair/improvement was construction of a new chimney on the outside of the building facing the railroad. This chimney still stands, but is no longer used. (The old interior chimney which caused the fire still remains in the courthouse but was dismantled to just below the roof. A lithograph from 1878 showed two interior chimneys; however, a circa 1895 photo shows only the one chimney on the southeast end of the building.)

The building repairs and interior refinishing following the fire of 1931 satisfied the needs of the structure for the next several years. A 1936 entry in the county board minutes stated that members of the county board "...have examined and made an inspection of the property of Pepin County and...found everything in good to fair repair."

By 1938, county government had grown to a point that discussion about the need for more room began. The county board appointed a committee to investigate the matter of building an addition to the courthouse. The limitations of the building were serious enough by the early-1940s that the county board began a building fund to replace the 70-year-old structure.

An article in the *Courier Wedge* reported:

The county board after discussing the urgent need of a new courthouse building at several sessions because of danger to valuable records in the present frame building and need of more room, adopted a resolution Friday to start a building fund by transferring \$15,000 from the general fund toward a special courthouse building fund to be built up each year as done in Chippewa and other counties. A number of counties have already built up sizeable funds and likely there may be government aid to assist in public improvement projects of this kind to provide work after the war is over. The court house in Durand is in bad shape, and in case of fire it is feared that with the poor vaults valuable records that cannot be replaced might be destroyed, and incur heavy expenses on the county as well as taxpayers.

Sentiment as to need of a new building was practically unanimous, and the only question as whether to make the start on a fund at this time. ...

The vote does not mean immediate construction, but the starting of a fund for that purpose. Building construction for the most part is being delayed until after the war, and is one of the projects that will help employ labor when started. Just how much a new courthouse will cost cannot be estimated at this time, and it is possible that the building may not be completed all at one time.

During the November 1943 session, the Board of Supervisors resolved that "... \$15,000.00 be transferred from the General Fund into a special fund to be designated the 'Court House Building Fund' which fund shall be used for the construction of a suitable Court House when the construction [sic] thereof is duly authorized. " In subsequent action, the Board authorized the Property Committee "...to engage competent architects or engineers to prepare preliminary plans and specifications with reasonable and suitable alternates for the construction of a new suitable Court House provided,

however, that the expense of obtaining preliminary plans and specifications does not exceed the sum of \$200.00.”

In November 1944, another \$15,000 was added to the Court House Building Fund and the following year another \$20,000 was added bringing the total to \$50,000. However, in November of 1946, the Board voted to issue \$30,000 in highway improvement bonds and reasoned that since the monies in the Court House Building Fund “...will not be used for several years and it would be for the best interest of said County to invest said fund in legal investments, ... it is the judgment of said board that it would be for the best interest of said county to purchase said bonds with said building fund....”

The following April the Board appropriated \$4,000 from the Court House Building Fund and authorized the Property Committee “...to enter in and contract with a reliable architect to obtain plans and specifications for a new county Court House.” The Board also added another \$5,000 to the Building Fund. But, a year later in April 1949, the Board undid its previous work by transferring \$5,000 from the Building Fund to the Highway Department to make up a deficit there. However, the Board attached a contingency to the resolution that the “...said sum of \$5,000.00 be paid back to said Court House Building Fund on or before six months after the date with interest at rate of one per cent; and that a note incorporating the above be given to the Court House Building Fund.”

Meanwhile, the existing building continued to show signs of wear. In November 1950, the Board determined the court house was badly in need of paint and repair and instructed the Property Committee to get bids for the repainting project and that funds to meet this obligation be advanced from the General Fund.

Two years later, the new court house building project was still in the discussion phase. The Board, seeing the Court House Building Fund simply lying idle, resolved to invest the fund in United State Government Bonds.

The condition of the existing jail, now nearly sixty-years-old, was also brought to the attention of the county board; in particular, the jail’s failure to meet state standards. A letter from Bernard J. Collins, a detention inspector from the State Divisions of Corrections in Madison was entered into the board’s April 1953 meeting minutes. Collins had inspected the jail the previous February and stated:

...it was found in good condition with regard to cleanliness.

It was noted that the fire escape which has been previously recommended has not been installed. This is most important for the safety of those confined in your jail. If in case of a fire and men were trapped your county could be held liable. We trust this escape will be installed as soon as possible.

We are also recommending the following:

1. Replace or recover complete jail floor.
2. Replace wooden table and chairs with one piece metal and bench. The wooden tables and chairs now in use could be broken up and the legs etc., used as weapons.
3. As a sanitary measure, paper drinking cups and dispensers should be installed.

In response to the recommendations made by Collins, Sheriff Ceacil Seline presented the county board with a list of other repairs and materials needed at the jail, including painting and wallpapering and screens for the windows, plus a cot, two mattresses, two chairs, a pillow, a mop wringer and one toilet seat. The board took no action itself but referred the matter to the Property Committee. Little action would be taken on these issues for another two years.

The Division of Corrections was unhappy with the county’s failure to comply with its recommendations and in March 1955 a tersely worded letter to the County Clerk from Special Investigator for the Division, M. A. Skaff, stated:

On March 22, 1955 I met with you, Mr. Albert Rippley of the Property Committee and with Sheriff Seline in regard to our previous recommendations. At the time of my visit I was assured that another exit from the jail would be installed just as soon as the weather permits and that a new floor would be put in the jail. We are recommending that the jail be painted during the time that this work is being done. The present wooden tables and chairs should be removed and replaced by a one unit metal table and bench that can be fastened to the floor for security reasons.

The Property Committee had already arranged for plans to be drawn for the additional jail exit door and these were approved by the state. This portion of the project was probably completed in 1955. The special one unit metal table and bench was also installed in the jail during the same year.

By 1957, the county court house was well beyond its limits to house staff, equipment, files, etc. and some county offices were forced to find other office and storage space. In February 1957, during a special session of the county board, the county's budget had to be modified to include \$1,320 for the rent of outside offices. By April of that year, the Court House Building Fund had grown to nearly \$70,000 and the county board, once again, began getting serious about a new facility. However, the board no longer wanted to consider a completely new building and began to shift toward an addition or annex to the existing court house.

An entry in the April 1957 meeting minutes points to the county board's and other elected officials' obvious lack of oversight and, perhaps negligence, during the previous decade of planning for a new court house. Though no mention had been made in any previous board minutes, the county had applied for and received a loan from the federal government to assist with drawing the engineering plans for the long proposed new court house. The minutes state:

Mr. [E. F.] Klinger of Eau Claire, who is the architect who drew up the plans for the proposed Court House several years ago, appeared before the Board and discussed the previous plans and offered to write the Regional Administration and find out if the County would have to repay the federal government for plans already received several years ago, if said plans were not used. The amount of \$15,700.00 was borrowed for the plans for a new Court House and this is the amount in question.

Mr. Klinger also contended he was still owed \$1,000 for the work he had performed in 1951 developing those plans. The Property Committee was instructed to make a thorough investigation with the architect about his concerns regarding the "old" plans. The Property Committee was also instructed to determine the approximate cost of an annex.

Meanwhile, the Division of Corrections returned in July 1957 to inspect the improvements made to the jail and found:

The jail was clean, well kept, and in good appearance. However, the standards of management and maintenance by the sheriff and the sheriff's staff of the obsolete jail facilities do not make up for the lack of those facilities which meet the standards set by the Wisconsin State Department of Public Welfare.

It is strongly recommended that the County Board at its next meeting go on record as authorizing the sheriff, when necessary, to employ personnel to comply with Sections 53.41 and 53.42 of the Wisconsin Statutes pertaining to jailers and matrons. The Attorney General has ruled that a jailor or matron must be "present and on [duty] and awake" whenever prisoners are confined.

The Pepin County Jail does not meet even the minimum requirements of the jail standards; and the county officials [should] in the near future, take whatever steps are necessary to

provide detention facilities which will meet the needs of the county, the requirements of the Wisconsin Statutes, and the Standards Representatives of this Department....

No immediate action was taken by the county board, but it would address the matter the following year.

The board, meanwhile, pressed forward with its idea to build an annex adjacent to the existing court house. In November 1957, the board on a 7-to-5 vote instructed the Property Committee to obtain information regarding a new annex and that it "...should proceed with the intention to not spend more than \$115,000." However, a motion to add another \$5,000 to the building fund was narrowly defeated. The following February, the board continued its discussion about a new building and instructed the Property Committee to investigate the size and cost of the project.

E. F. Klinger in April 1958 repeated his claim he was still owed \$1,000 by Pepin County. The county board once again determined it would check on the bill and have a report at the November meeting. Martin Pittman, the County Clerk, followed up with a letter to Klinger, which proposed hiring Klinger's firm to prepare plans for a new court house annex with the condition he forfeit the \$1,000 still owed by the county. Klinger responded in a letter to Pittman which was read at the November 13, 1958 board meeting:

This letter is a reply to your recent letter with reference to a balance of \$1,000 due to me for services rendered in 1951 in connection with the new court house plans.

In reply to the second paragraph of your letter, we will go on record to comply with this request on a project which would cost \$200,000 or more.

We are willing to consider a reasonable compromise on a project costing less than \$200,00,[sic] and will be happy to discuss same at such time that you do consider a new building.

The board tabled the letter and payment of the \$1,000 until its next meeting.

At this same November meeting, a representative of the Division of Corrections of the State Department of Public Welfare appeared before the Board and advised that under Section 46.17 (2), some remodeling had to be done in the near future including: each cell must be at least 5.5 by 7.5 feet in size, have toilets and lavatories, and must be equipped with lights and sufficient ventilation. The board then discussed the conditions of the jail cells and the state's previous recommendations for repairs to the floor, sink, sewer and water connections. It also discussed repairs and improvements needed in the kitchen and bathroom in the sheriff's residence. The board unanimously agreed to authorize the Property Committee to make necessary repairs in the kitchen and the jail with money for this work to come from the General Fund.

By the following February, the board focused on construction of an annex adjacent to the existing court house. Although the exact location on Washington Square was still undetermined, the board instructed the Property and the Finance Committees to obtain a sketch and elevations for an "...annex of four good sized rooms and two smaller rooms and also to negotiate with E. F. Klinger, Inc. regarding the \$1,000.00 owed them...." E. F. Klinger and Associates was chosen to prepare the plans for the new annex.

Two months later, the minutes of the board's April meeting show:

Representatives from E.F. Klinger and Associates spoke in regard to plans on the new annex or addition to the courthouse. The present plan that has been drawn up has 6,139 square feet. The cost would run between \$12.00 per square foot minimum to \$18.00 per square foot maximum plus 6% architect's fees.

The above plan is for a one story building. If in the future a second story would be added, the cost would be very little more if known at the time the first story is planned. ...

After some discussion, a motion was made...[to] go ahead with the construction and get something started not to exceed \$117,000.00 including architect fees.

The board also appointed a special Building Committee to oversee the project.

Nine contractors entered bids for general construction of the annex. At a special meeting of the board in July 1959, a resolution was presented to accept the low bid of \$77,850 submitted by Walker Construction Company of Eau Claire. However, objections were made by several members who demanded that a local contractor (whose bid was nearly \$2,000 more) be given consideration for the job because he would hire more employees locally. Following discussion, the resolution was defeated 5-to-8. Some board members, concerned with the legality of not accepting the lowest bid, requested an opinion by District Attorney Earl McMahon. McMahon cited section 59.08 (1) of the Wisconsin Statutes:

All public works, including any contract, for the construction, repairs, remodeling, or improvement of any public work, building, or furnishing of supplies of material of and kind where the estimated cost of such work will exceed \$1,000.00 shall be let contract to the lowest bidder.

In answer to questions about what could happen if the lowest responsible bid were not accepted, McMahon advised that any taxpayer of the County could file suit against the County to enjoin construction. A motion was then made and approved to reconsider the Walker Construction Company bid. On reconsideration, the board approved the previous resolution by a vote of 12-to-1. The mechanical construction was awarded to Schoenoff Plumbing and Heating of Menomonie for its low bid of \$18,774 and the electrical construction was awarded to Electrical Service Company of Eau Claire for its low bid of \$5,471. The project would cost a total \$102,000 plus architectural and engineering costs.

The county board further agreed to borrow \$33,000 at 4½% from a local bank to supplement the \$76,447 in the Courthouse Building Fund for the project. The board also authorized the county board Chair, Irwin F. Mattson, and the county Clerk, Martin Pittman, to act as agents for the county for the construction of the annex. Mattson was a bit reticent about acting as agent, perhaps due to the additional workload, and voted "No" on the motion, which passed 12-to-1. As an afterthought, the board approved payment of \$1,000 to Emiel F. Klinger, Inc. to finally resolve the bill which had been outstanding since 1951.

With the flurry of activity related to construction of the annex, the county board's attention was forced to return to the deplorable conditions of the jail. A letter from R. J. Di Dalvo, Detention Supervisor with the Division of Corrections was entered into the February, 1960 meeting minutes:

... this Department would have no alternative but to request certain minimum requirements and improvements to the present facility in order to permit the Pepin County Jail to operate as a detention facility.

Since county officials have not acted to improve the facility, the following improvements to the Pepin County jail are requested.

1. Provide a heavy quarter-inch wire-mesh screen on the inside of all windows to which prisoners have access to prevent breakage and the passage of contraband.

2. Remove three of the bunks in the cell containing four bunks and remove two of the bunks in the cell now containing three bunks as now only single occupancy of cells can be permitted.
3. Provide protected light in the bull area and cells.
4. The flush box on the toilet is broken, and it is requested that this toilet be replaced with a new institutional-type toilet with a push-button operating mechanism.
5. Continue to transport all sentenced prisoners, females, and juveniles to an approved facility.

I should also like to point out that you cannot always be certain that adjoining counties will be able to accept prisoners, particularly if their facilities are likewise filled to capacity and also that this type of an operation does necessitate the absence of enforcement officers from the county during periods when prisoners are being transported. I must also point out that some jails who are not approved for the detention of females have experienced charges of over \$30 per day to hold a female in an approved facility. Considering a female who must be held at this rate for any length of time, this can run into a great deal of added expense. It is very unfortunate; however, several counties have experienced and are experiencing this situation at the present time.

It is not the intention of this Department to be demanding or arbitrary, however, as you know, the Department of Public Welfare, Division of Corrections, has statutory responsibility for the health, welfare, safety, and security of individuals who are confined in county or municipal jails or lock-ups. Acting under these responsibilities, we have no alternative but to request that the aforementioned requests be complied with in the immediate future.

The letter was referred to committee.

Circuit Court Judge John Bartholomew and several attorneys petitioned the county board at its April 1960 meeting to provide additional space more suitable for use of the court for a law library and conference room for more effective administration of justice. After considerable discussion the board decided that the space allowed in the new annex for the office of the Clerk of Circuit Court would be adequate.

Development activities on Washington Square slowed. In 1962, a parking lot was constructed adjacent to Wells Street behind the annex, courthouse and jail between 3rd Avenue West and 4th Avenue West. New flooring was installed in the main hallway of the old courthouse.

Controversy arose over the hours which the courthouse offices were to be open to the public. The board decided in April county offices would be open 8:30am to 12noon and 1pm to 5pm weekdays and no longer open on Saturday. Apparently, a survey of county courthouses around the state showed that Pepin County was one of only 13 counties with Saturday hours. The following February ten county employees, including the Clerk, Treasurer and Register of Deeds, petitioned the county board to reduce the hours to 9am to 12noon and 1pm to 4:30pm and closed on Saturday. This petition was denied. In April, a similar petition signed by 13 county employees was brought before the board and again denied.

Also at the February 1963 meeting, the board authorized the Property Committee to respond to the Judge's request for better lighting in the upstairs courtroom of the old building. Purchase of new storm windows for the old courthouse was approved.

By 1964, county facilities were once again experiencing growing pains. The sheriff's office had been housed in a small room in the southeast corner of the sheriff's residence which adjoined the jail since 1895. After nearly 70 years, much of the administrative work was now spilling over into other rooms in the residence. The sheriff's department also had to rent a garage for its squad cars. In

February, the Sheriff and Justice Committee were authorized to investigate the needs, siting and cost of a new office and garage. At its meeting in March, the county board authorized preparation of plans, specifications and costs of construction of a new 1,000 square foot office and garage adjoining the southwest side of the present residence and jail. Discussion continued and differences of opinion arose during the next several months about razing the old residence and building new. In November, the board authorized drawing plans for a new three bedroom residence, a 12'x18' garage, a 10'x10' interrogation room and a public toilet, all of which would be attached to the existing jail. The following February, architectural plans were presented to the board with an estimated \$35,000 cost of construction. The project was tabled.

Sheriff Roger Britton continued to plead his case for an office separate from his living quarters in the sheriff's residence. In August 1965, he proposed remodeling the residence by moving the bathroom located on the first floor to the second floor and expanding the southeast corner room and bathroom space into a sheriff's office for an estimated cost of \$2,500. The board authorized the Property Committee to proceed with the remodeling project. At the same meeting, the board approved a motion to lower the ceilings in two offices on the main level of the courthouse occupied by the U. S. Agricultural Soil Conservation Service (ASCS), which rented the space from the county and would pay for the work.

The courthouse had been burning coal to heat the building for several decades and kept the coal in a bin in the basement. Fire safety and human health concerns prompted the county to consider converting the coal furnace to oil. The Property Committee was authorized to make the decision.

The request for remodeling the ASCS offices soon provoked discussion about the appearance of other offices located in the aging courthouse. Plaster on the walls and ceilings was beginning to deteriorate and needed repair. The Property Committee was instructed to investigate and report back to the board. In April 1966, the board approved a \$650 bid for repairing and repainting rooms in the old courthouse.

Pepin County's 70-year-old jail continued to concern state officials who had placed restrictions for detention of persons in the Pepin County jail because the present facility did not meet the requirements of the Wisconsin Statutes and established jail standards. In November 1967, the Division of Corrections strongly suggested, "Some action should be forth coming relative to instituting action for remodeling the present facility, or building a new one." This letter was read aloud to the board, but it took no action. However, the board did authorize the Property Committee to handle "...the task of having necessary rewiring in the Old Courthouse...."

At this same meeting, the county board revisited a now nearly two-decades-old loan from the Federal government to pay for the cost of plans and specifications for construction of a new courthouse, which was never built. The county still faced repayment of the \$15,740 loan and now passed a resolution to petition to the Federal government to forgive the loan:

Now therefore, be it resolved by the County Board of Pepin County that as there is no reasonable likelihood of the project or any portion thereof as planned with the Federal advance ever being placed under construction for the reasons set forth above, the Secretary of Housing and Urban Development be requested to make a determination that the agreement dated on the 20th day of June, 1950 be terminated and that the County of Pepin be relieved of all liability thereunder.

The county had used to money to pay E. F. Klingler and Associates of Eau Claire for preparing the plans for a new courthouse, but construction never took place since the county board opted instead for an annex to the old courthouse. A mostly one-sided correspondence by the federal government commenced in the mid-1950s reminding the county of its contract to repay the loan once construction of the building had begun. Since construction never began, the county never repaid the loan. However, the persistence of the Federal Housing and Home Finance Agency (HFFA) did elicit a

few short responses from the county regarding the aborted project, but no repayment of the loan. The HFFA requested and received copies of the plans and specifications for the Annex project to compare them to the “intent” of the original 1951 project agreements. The HFFA concluded in 1961:

The County Courthouse extension which was constructed is different from the project planned with the Program documents. The Program documents provided for the demolition of the still existing Courthouse and construction of an entirely new structure on the present site. It has, therefore, been determined that the annex bears no relation to the project contemplated at the time the planning advance was requested by the County.

Consequently, we feel that the County of Pepin should not be required to repay the above planning advance at this time.

We will continue to periodically send you our Form CFA-435, “Report of Construction Status.” We ask that upon receipt of the form it be completed and one copy returned to this office as soon as possible.

HFFA continued during the next five years to send the county reminders of the status of the loan, to which the county simply responded, “After building the Court House annex in 1959, there is no schedule for construction under project No-P. Wis. 1023 at this time.” Finally, in October 1967, the county received notice from the Department of Housing and Urban Development (HFFA had become a full-blown Federal Department during the Johnson administration), stating it wanted to terminate the 1950 agreement and would relieve the county of its repayment obligation if the county passed a resolution stating there was “...no reasonable likelihood of the planned project...being undertaken...” Thus, the county board took action at its November 1967 meeting. In January, the Department of Housing and Urban Development notified the county its request for forgiveness had been granted and the agreement of 1950 was finally terminated.

Within less than a decade after construction of the annex, the county board again faced concerns about lack of space. This time the judicial branch of county government was making itself heard. The Circuit Court Judge, County Judge, Family Court Commissioner, District Attorney and City Attorney signed a formal resolution demanding “...that the present County Court Room-Meeting Room located in the Pepin County Courthouse be designated for the exclusive use of the Courts of Pepin County and the officers thereof,...[and]...adequate, dignified and convenient Court Room and law library in which to serve the public...” The Judge frequently had to conduct court in his office due to conflicts with other meetings scheduled in the courtroom. (A large room in the Annex served multiple purposes one of which was as a courtroom for hearings and non-jury trials, but also for board and committee meetings, presentations, interviewing, etc. The large, upstairs courtroom in the old building was still used for jury trials.) Also, attorneys had no convenient, private space in the courthouse in which to meet with their clients. This court officers’ resolution was presented to the county board, adoption of which was rejected the by a 4-to-8 vote. The county board was no more intimidated by these lawyers and judges than it had been by letters of admonishment from the State Division of Corrections about conditions of the county jail.

Another such letter from Corrections was received in February 1968 once again advising the county of restrictions imposed on the county jail:

... (1) the Pepin County jail is not approved for the detention of juveniles, nor for the detention of female adults. Persons in this category to be held must be transported to an approved facility; (2) also, sentenced prisoners are to be transported to an approved facility; also all persons awaiting trial or disposition who must be held for periods of more than 72 hours must be transported to an approved facility.

It is interesting to note that similar restrictions were imposed as far back as 1948. In the course of 20 years nothing has been done except for cleaning, painting,

and replacement of the mattresses. If your authorities are interested in maintaining a jail facility it is about time that some action is instituted.

This letter was read to the county board, which then passed a motion to accept it and place it on file.

One of the old courthouse's most distinctive architectural features, the cupola, had never been specifically mentioned in any previous board action; but, in November 1968, repairs needed to the cupola's roof were brought to the board's attention. The Property Committee was instructed to take care of repairing the roof. Board approval was also given for painting the interior of the Annex, which was only eight years old.

The county board continued to resist the calls for major improvements and more room in the courthouse and jail for the another eight years. Minor repairs, painting, removal of dead trees, etc. were done as necessary. Painting of the exterior of the old courthouse was done in 1974, but other major projects were not considered.

Then, suddenly in 1975, the county board got the urge to spend money. The Sheriff had been petitioning the board for additional space for years and his wishes finally came true with a 24'x30' addition with a full basement to be attached to the existing sheriff's residence at a cost of \$15,000. The board also approved: installation of new metal siding, additional attic insulation and new roofing to the old courthouse; new roofing to the jail; and, expansion and paving of the parking lot – all for a total cost of \$20,000. A brief article in the *Courier Wedge* in July 1975 explained:

Exterior siding is being applied to Pepin County courthouse under a contract with a Chippewa Falls company. Character of the building is being retained. Bees which infested tall columns at the front were exterminated. The structure was insulated before white metal siding was applied. New doors were added at the front and...louvers in the tower will be retained. Combination windows will be used throughout.

This new metal siding, combination windows and new steel combination storm doors did not retain the historical integrity of the building. Some "character" of the building was saved: the width of the new siding duplicated that of the old clapboard siding hidden beneath and the lunette window in the gable of the portico and the segmental arched windows above the front and rear doors were retained. [The historical integrity of the building had already been seriously diminished with the installation of suspended ceilings, wall-to-wall carpeting, vinyl flooring and wood paneling on the walls on the main floor and fluorescent lighting throughout the building.]

In 1976, the spending spree slowed, but a new sidewalk was installed in front of the annex and outdoor carpet was installed on the front porch and rear stoop of the old courthouse. In 1977, the spree resumed when the board hired an engineer to prepare plans and specifications for installation of a new heating and cooling system for the Annex and Old Courthouse. The estimated cost was \$54,000. Following approval of the bid by Bartingale Company of Eau Claire, work commenced in the Spring of 1978. However, a workers' strike interrupted construction and created worry by some members of the county board about timely completion of the project, which was finally completed in December.

Spending slowed during the next few years. Sheriff Britton made a request in 1978 by the Sheriff for construction of a three-car garage between the old courthouse and sheriff's residence, but it died quietly.

The old courthouse was now more than a century old and many people had become aware of the historical significance of the building, the jail and Washington Square. In 1981, County Clerk James R. Bresina, with assistance from the Wisconsin State Historical Society (SHS), led the effort to nominate the courthouse and jail to the National Register of Historic Places. The SHS Division of Historic Preservation Intensive Survey Form dated August 1981 described the significance of the jail and sheriff's residence:

With its late Gothic Revival references, the jail is complementary in style and compatible in scale to the courthouse; its principle architectural significance is derived from its exterior domestic aspect and the interior retention of the iron lattice cells, which jointly represent a type of construction – the combination sheriff’s residence and jail – which is increasingly rare in the state and rarer still to be in current use. ... Because of the exceptional nature of both the courthouse and jail, the two might have been nominated at a state level of significance; compromises in integrity due to comprehensive interior remodeling..., and...installation of aluminum siding..., reduce the architectural significance of buildings to local significance.

Despite these “compromises in integrity”, the old courthouse and jail were determined in October 1981 to be eligible for the State Register of Historic Places. On 9 March 1982, the old Pepin County Courthouse and Jail were listed on the National Register of Historic Places. They were formally listed on the State Register in January 1989.

Outgrowing the courthouse and annex became a more pressing issue. The Human Services Department and the Child Support Office were housed in separate downtown buildings and the Public Health Department was located three-blocks from Washington Square in a remodeled two-car garage adjoining a privately owned and operated child care facility. The county board considered and re-considered a variety of options for expansion.

Preliminary plans for a 10,000 sq. ft. addition to the court house annex were drawn up and presented to the board of supervisors in early 1982. The price tag ranged from \$585,000 to \$625,000. However discussion quickly diverted to the question of what the county was going to do with the hospital, which would soon be vacated by the Great Lakes Adventist Health System (GLAHS) when construction of its new hospital building was completed. A decade earlier, in an effort to keep a primary care hospital in Pepin County, the county had entered into an ownership arrangement with the City of Durand to finance purchase and remodeling of the existing hospital located on 7th Avenue West’ owned by the Sisters of St. Benedict. The Sisters had agreed to sell the hospital to Lutheran Health Services (LHS) which approached the city and county for financial assistance with the purchase and renovation of the structure. The city and county would then lease the building back to LHS. The county borrowed \$500,000 for purchase and renovation and took a 70% majority ownership of the property. When LHS decided in the early 1980s to cease operations, the city was able to recruit GLAHS, which did not want the outdated 30-year-old existing hospital and chose to build a new one with its own financing. The use or disposal of the old hospital property had to be figured out by the county and city. At its February 1982 meeting, the county board took its first small step toward moving county government offices to a new location by appointing a committee (which would eventually be called the Space and Growth Committee) to determine current space needs and the costs associated with renting the numerous spaces in and around downtown.

In June, the jail saga resumed; a presentation to the board by the State Division of Corrections about conditions of the existing jail and restrictions on its use prompted the county board to continue to look to the old hospital as a possible solution to its problems. The state allowed the county to detain people only until their initial court appearance and bail was set. If a person could not post bail, the county had to move that person to a county which could provide adequate facilities. Only persons sentenced to work release could be housed in the Pepin County jail, which was “...allowed only because they are working and are not subjected to the extreme conditions of the facility 24 hours a day.” The Law Enforcement Committee was instructed to study the matter and report back to the board in August.

The Division of Corrections returned in October 1982 and advised the board that enforcement by the state of the restrictions on use of the county jail had been “loosely enforced during these [past] 20 years...[and]...that if something is not started now, they would have to enforce the restrictions.” The state recommended a dormitory style addition to the existing jail and the board authorized the Sheriff and the Justice Committee to get additional information and estimates for construction of a jail addition. Later during the same meeting, a motion was approved to contact architects about the cost to rehabilitate the

hospital building for use by the county. A month later, an architect had examined the floor plans of the existing hospital building and concluded the county could make use of the building.

The next "big" project to affect the old courthouse/annex came in December 1982 with conversion of the existing boilers in the courthouse from oil to natural gas, which was significantly lower in cost than oil. Bid notice for the project was let in early December to which only two local companies responded. The county accepted the \$7,700 bid by Hurlburt Heating and Plumbing.

By January 1983, the Space and Growth Committee began to coalesce around the idea of "...moving part or all of County operations to the Old Hospital Building." Meanwhile, the sheriff had taken the initiative to inspect the old hospital property with Division of Corrections officials and concluded it had good potential for remodeling and renovation into a jail. County board representatives met with the Durand City Council to discuss moving county operations to the old hospital and acquiring the city's 30% ownership in the building. The possibility of selling the courthouse annex on Washington Square was discussed. The county also expressed its desire for the city to waive its rights to Washington Square established by a reversionary clause written into the deed in 1886 which stated the property would revert back to the city at that point in time when the county ceased operations there. The county now sought clear title to Washington Square so it could sell the property and keep the proceeds. The city granted the waiver to the county in October 1983.

Efforts toward moving county operations to the old hospital accelerated. Funding that had been budgeted for construction of a dormitory addition to the existing jail was redirected into remodeling the old hospital. The Space and Growth Committee was instructed to get a formal appraisal of the annex and "...to conduct interviews with architects for study of the feasibility of remodeling the hospital preparing a space layout."

In March 1983, Durand Federal Savings and Loan submitted its offer to purchase the annex and the adjacent parking lot southeast of the annex and the old courthouse. The county board was advised that the \$160,500 purchase price of the offer exceeded the appraisal estimate received by the Space and Growth Committee. However, the committee agreed not to make the appraisal public and not to divulge the amount publicly without approval of the appraiser. No mention was made in the minutes about the identity of the appraiser. The sale of the annex was formally approved in June 1983. Contingencies of the sale included separation of metering for water and electricity between the old courthouse and the annex and arrangement for temporary heating of the old courthouse by the boilers located in the annex. A certified survey of Washington Square was drawn up to divide the property into four separate lots consisting of: Lot 1 - the front lawn; Lot 2 - the annex building; Lot 3 - the old courthouse; Lot 4 - the sheriff's residence/jail/office.

The following March, Durand Federal sought to secure the Right of First Refusal on the sale of any other part of Washington Square, which by this time had been formally deeded to the county by the city. The county rejected the request. Durand Federal's request to have the county be responsible for lawn maintenance and snow removal on the property it purchased was also rejected.

In April, the board appointed a committee "...to make a study of the Old Courthouse and the remaining property on Washington Square and to report back to the board." The board was informed that the Town of Durand had voted "...that the old courthouse be kept as a museum site provided it would not cost too much money." The Old Courthouse Study Committee reported back to the board in June and recommended running an ad in the local shopper and newspaper to determine if there were any parties interested in utilizing the building and being responsible for the expenses of maintaining the building. The board authorized placement of the ad. The board was also advised about the estimated annual costs of \$20,000 for retaining Washington Square and the remaining buildings. The board approved a motion to release these costs in a news release and authorized the Old Courthouse Study Committee to get an appraisal at a cost not more than \$750 for all the remaining Washington Square property.

Two groups responded to the county's ad asking about interest in the old courthouse. One unnamed religious group expressed an interest in purchasing the building for minimal cost. The other

was the recently organized Pepin County Historical Society (PCHS), which advised the county board at its August 1984 meeting that PCHS would like to lease the building and the jail to use as a museum. PCHS proposed a ten year renewable lease and asked the county to establish a \$2000 per year escrow account for maintenance and major repairs. The Study Committee reported to the board that it had not been able to hire an appraiser for \$750 and would probably need at least \$1000 to complete an appraisal. A motion to put the question to the public in a referendum asking if the building should be used as a museum or sold on the open market was defeated. Finally, the motion was made and approved to: 1.) lease the old courthouse to PCHS for a period of ten years with the option of a ten year renewal for the sum of \$10; 2.) to establish an escrow account of \$2000 annually for repair of the building when needed; 3.) further details to be negotiated by the Old Courthouse Study Committee and PCHS.

Once the Sheriff's Department and jail had moved to their new facilities in the renovated and remodeled hospital, the question arose as to continuation of free lodging for the Sheriff in the residence on Washington Square. In November 1984, the Study Committee recommended to the county board that a monthly rent of \$250 not including utilities be set for the year 1985 and that Lot 1 and Lot 4 be sold. The board authorized both the rent and advertising for the sale of Lot 1 and Lot 4 with bids to be opened at the board's next meeting. The county received no bids on Lot 1 (the front lawn) and just two bids for Lot 4 (sheriff's residence/office/jail), one for \$3600 and one for \$20,100 from the county sheriff. Both bids were rejected. During the course of discussion, the suggestion was made to offer all of Washington Square (Lots 1, 3 and 4) to the City of Durand for one dollar and, "The historical buildings would then be in their hands to do with as they chose." The board instructed the Old Courthouse Study Committee to research the matter further and find alternate solutions.

In February 1985, the county board agreed to pay half the heating bill received by Durand Federal for heating of the former annex and old courthouse.

Two months later, upon recommendation of the Old Courthouse Study Committee, the county board authorized an open listing to all real estate brokers of Lot 4 (sheriff's residence/office/jail) for the selling price of \$49,900 with a commission of 5% to the selling broker. Little interest in the property was demonstrated during the next eighteen months. In an effort to make the property more saleable, the county board agreed to have the chain-link fence enclosing the jail yard removed and donated to the Pepin County Humane Society.

The Pepin County Historical Society struggled to raise the funds necessary to pay utility bills for the old courthouse during the first two years operating its new museum and sought assistance from the county. After studying the matter, the board in July 1986 approved an annual budget of \$2,000 for utility costs. The pillars of the front portico were in need of repair and repainting and the concrete base of one of the pillars needed replacement. In October 1986, the board approved a bid of \$2,400 by Buchholtz Construction of Durand to complete the work.

Expenses for utilities for the former jail and sheriff's residence continued and the county was anxious to sell. Finally in December 1986, Wilbert Weiss and Zita Stewart, owners of Weiss and Associates Realty, offered the county \$25,000 for the property. The board unanimously approved the offer.

In 1987, the county board offered the lawn area of Washington Square to the City of Durand for "community recreational use." The offer was declined.

Meanwhile, under the stewardship of the Historical Society, repairs and improvements continued during the next decade. The plaster walls in the stairwell to the upstairs courtroom were repaired and repainted during 1987. The following year a new concrete block wall was constructed inside the existing stone wall in the basement coal room. Blacktop was installed to promote divert water runoff away from the building to a drain located between the courthouse and the former Annex. A handicap ramp was built at the southeast end of the building to serve the rear door.

In 1993, the Resolution Trust Corporation, which had taken over the failed Durand Federal Savings and Loan during the infamous "S & L Crisis" of the late 1980s, sold the former Annex building to

Bauer Built, Inc. for use as its corporate headquarters. Among the contingencies of the sale was the separation of the old courthouse building from the heating and air conditioning system boilers and chillers located in the Annex building. A new boiler and upgrade of the heating system in the old courthouse cost \$8,000.

New roofing and repairs to the louvered vents and structural support system were applied to the cupola in 1994. Five years later, the shingles, underlayment and deteriorated boards of the entire old courthouse roof were replaced at a cost of \$26,000. This project used the entire county escrow fund which had accrued during the previous fourteen years and claimed the future escrows of \$2000 per year for several more.

By the year 2000, the four pillars of the front portico had finally deteriorated to a point where they needed replacement. The Pepin County Historical Society conducted a community fundraiser which netted \$10,000 to help cover the \$26,700 necessary for new pillars. The county committed the additional \$17,000 over and above the escrow fund. When the 126-year-old original pillars were removed, workers found inside one of them a huge honeybee nest, which was removed and the honey harvested.

In 2001, the sidewalk, curb and gutter along Wells Street southeast of the building were replaced and blacktop pavement was installed on the 22'x78' parking area along the southwest side of the building.

From 2001 to the present (2014), routine maintenance of and repairs to the building have been managed well by the Historical Society. The only repair of significance needed during this time was for serious damage to the northeast side of the building caused by a violent hail storm in the autumn of 2006. The metal siding and combination storm windows had to be replaced at a cost of more than \$12,000. Fortunately, this expense was covered by the county's property insurance.

The most recent major milestone in the life of the Old Pepin County Courthouse was its addition to the Wisconsin Historical Markers listing in 2006. The marker was unveiled during a celebration of the 150th anniversary of the City of Durand's founding in September 2006.

During the past few years, the structure has not changed, but building's interior has had minor modifications to accommodate new exhibits and displays. The upstairs courtroom remains the most historically pristine part of the building. During the spring of 2014, the long banks of fluorescent lighting tubes have been replaced with glass globe lights hanging by chains from the ceiling, which are more historically accurate to the electrical lighting of 100 years ago and the "heyday" of the building.

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