

"Oh! Justice. . ."

Marian M. Ohman

... Guardian for Henry ...
... Birmingham Guardian for ...
... Guardian for ...
New Court House
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in the town of ...
... for ...
necessary to admit of a front yard
er ordered that the Superintendent of
nd be authorized and require ...
to the owner of ...
and that he be empowered to pro
for the county, by purchase, exche
... or otherwise; and in the
Superintendent encountering impera

Cover - A facsimile of Boone County Court Record Book G, page 334, January 6, 1846 authorizing construction of a new courthouse.

“Oh! Justice. . .”

The History of Boone County, Missouri
Courthouses

Marian M. Ohman

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To these friends and colleagues, I offer my appreciation.

“Oh! Justice. . .”

“Oh! Justice, when expelled from other habitations make this thy dwelling place.”¹

Introduction

The Missouri legislature authorized organization of Boone County in 1820 and after a brief beginning at Smithton, county commissioners selected Columbia as the permanent site for the county seat. During the nineteenth and twentieth centuries Boone County courts authorized construction of three courthouses. The first, begun in 1824, became unsuitable by the 1840s. A Greek Revival building replaced it in 1847 and served the county government until after the turn of the century. The third, and present courthouse, was completed in 1909.



1. See Appendix A for an account of the inscription.

Selection of County Seat

Smithton Company, a real estate enterprise, founded the Missouri town of Smithton in 1818, anticipating that it might become the seat of justice for Boone County. Development began one-half mile west of the present Boone County courthouse. Smithton served as Boone County's first county seat from the date of county organization in November 1820 until 1821, when Columbia became the favored site. Smithton had an inadequate water supply, while the Columbia site offered two plentiful wells. The public encouraged county commissioners to select it by offering \$2,000, fifty acres of land, ten acres for bridges, ten acres for a state university, and two public squares.

When the county seat moved to Columbia, Smithton's entire population of twenty persons moved with it, transplanting their rude cabins. According to a newspaper account published half a century later, Columbia in 1821 consisted of about twenty, one-story houses "situated in a clearing in the midst of stumps and brush, while all around stretched a dense and trackless wilderness."²

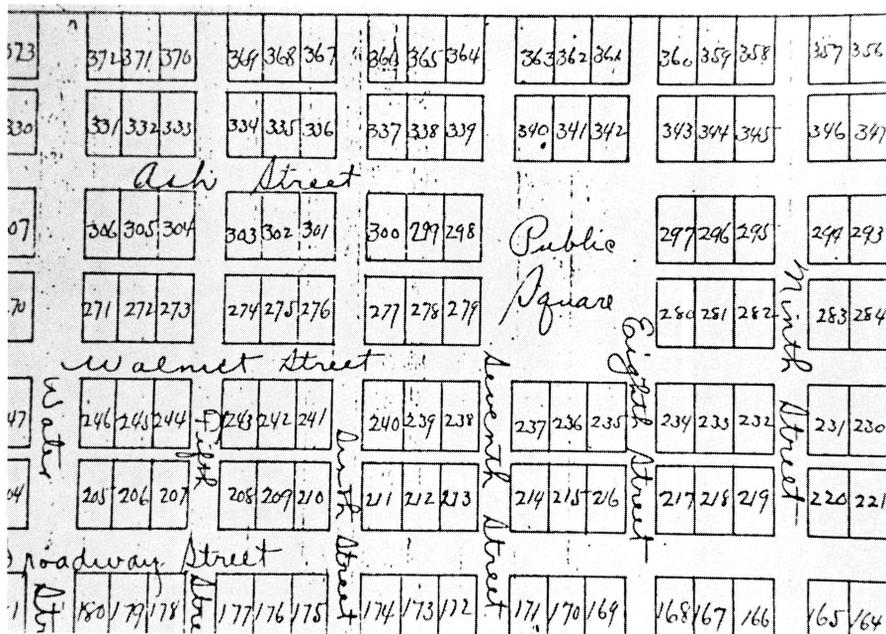


Figure 1. 1821 Plan for Columbia, Missouri by Peter Wright. From: Boone County Recorder, Record Book A, p. 337.

2. E. W. Stephens wrote "Boone County History," a series of 106 articles written in 1869 which were reprinted in the *Columbia Daily Tribune* between 14 October 1914 and 21 June 1915. See articles 36, 38, 39 and 40.

Apparently the founding fathers of Columbia considered the proposed Smithton street plan acceptable for the new site. Peter Wright, the county surveyor, who was to become the first presiding judge of the county court, laid out a similar plan for Columbia (Fig. 1).³

In 1868 and 1869, journalist Edwin W. Stephens (1849-1931) interviewed early Boone County settlers and learned that in the absence of a proper building they conducted proceedings under an arbor of sugar trees, constructed for the purpose, and within that shady grove surrounded by the luxuriance and beauty of nature's freshness, justice had an honored birth-place in Boone County.⁴

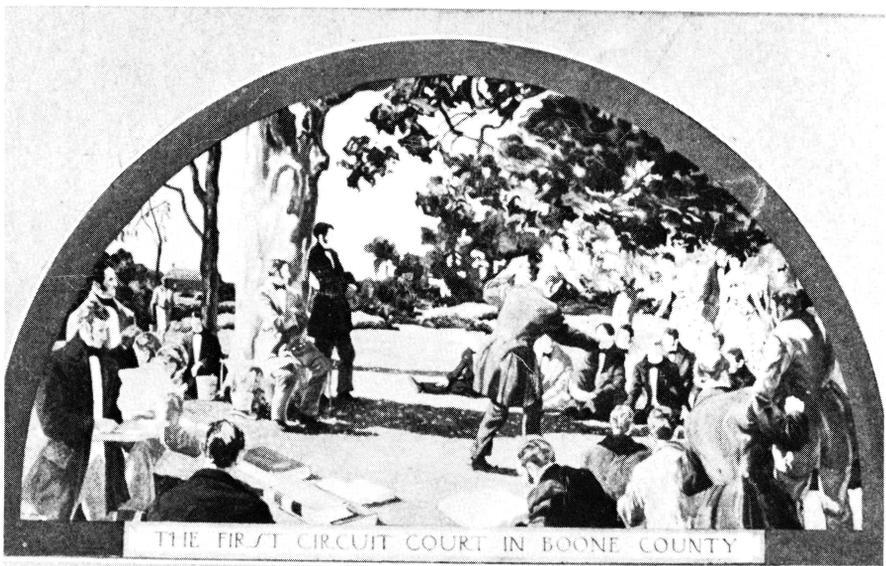


Figure 2. Walter Ufer, *The First Circuit Court in Boone County*. Mural, Missouri State Capitol, 1920s.

3. Stephens, "Boone County History," *Columbia Daily Tribune*, 15 January 1915. Wright's plan was reproduced in the Boone County recorder's record book A, p. 337. Also see *Centennial Celebration of the First Presbyterian Church* by North Todd Gentry, 1928, p. 12.

4. Stephens, "Boone County History," *Columbia Daily Tribune*, 11 January 1915.

PUBLIC NOTICE.

THE Commissioners of Boone County will, on the first day of the next term of the Circuit Court of said county, at the town of COLUMBIA, on the

Second Monday in June next,

LET

TO THE LOWEST BIDDER,

The BUILDING of the HULL of a

COURT HOUSE,

Forty feet square, and two stories high, to be covered with good shingles.

Payment—part cash, and the balance cash notes.

They will also Sell, at the same time and place, about

40 LOTS,

in said Town, at six and twelve months' credit.

Particulars made known on the day of the letting of the house and sale of lots.

JOHN GRAY,

LAWRENCE BISS,

JEFFERSON FULCHER,

ABSALOM HICKS,

DAVID JACKSON,

Commissioners of Boone County.

May 1, 1824.

38 1/2

Figure 3. Public Notice for building 1824 Boone County Courthouse. From *Missouri Intelligencer*, 1 May 1824.

A photograph of a tree, said to be one of those that had been in the arbor, appeared in *The Bench and Bar of Boone County*, written in 1916 by attorney North Todd Gentry (1866-1944).⁵ Muralist Walter Ufer's romantic depiction of the first circuit court meeting in Columbia, commissioned in the 1920s, adorns the state capitol building (Fig. 2).

Outdoor meetings occurred throughout Missouri as county courts convened to serve a frontier society. In Boone, as in most other counties, early circuit and county courts also met in homes, which were often log cabins. Stephens identified some buildings that served as temporary courthouses: the Gentry Tavern, a double-hewn log cabin in Smithton; the home of County Clerk Roger Todd, a log structure in Columbia; and a small building on Court House Street, which later became known as Eighth Street. Although not constructed as courthouses, these temporary quarters were considered official, and county officers referred to each of them as "the courthouse" in public records.⁶

First County Courthouse, 1824-27

Three years after the move from Smithton, the court sought bids in the *Missouri Intelligencer* for construction of the "hull of a courthouse," an unfinished shell (Fig. 3).⁷ The building apparently was erected in the same year, 1824, but the county court records indicate payments to Samuel Jamison and Roger Todd for rent of a courthouse as late as 1827. An explanation of the situation appeared in an article written by Switzler in 1905 who recalled the language was "unique and singular" and "hull" meant only the shell of a building without regard for interior finishing or equipment.⁸

During that year, the court let contracts for interior work which included "filling up of the floor, paving the same, and cutting sills for the doors . . . laying of the upper floors and staircase. . . ." Work continued into 1828 when instructions called for painting the cupola white and attaching a lightning rod to it. The contractors were Judge John Vanhorn and Isaiah Parks.⁹

Public notices had called for the construction of a building 40' square, but in his *History of Boone County*, written in 1882, attorney and newspaper

5. North Todd Gentry, *The Bench and Bar of Boone County* (Columbia, Missouri, 1916), pp. 20 and 62.

6. Stephens, "Boone County History," *Columbia Daily Tribune*, 18 January 1915; *Columbia Missouri Herald*, 6 September 1907, p. 6. David Guitar, an early pioneer, reported court was held in a log building before the brick courthouse was built. *University Missourian*, 9 February 1911, p. 5. Gentry's Tavern was also mentioned in Gentry's *Bench and Bar*, p. 66.

7. *Missouri Intelligencer*, 1 May 1824, [p. 3].

8. *Columbia Missouri Statesman*, 20 October 1905, p. 5.

9. County Court Record, vol. B, pp. 168-69 and 210; *Columbia Missouri Statesman*, 20 October 1905, p. 5.

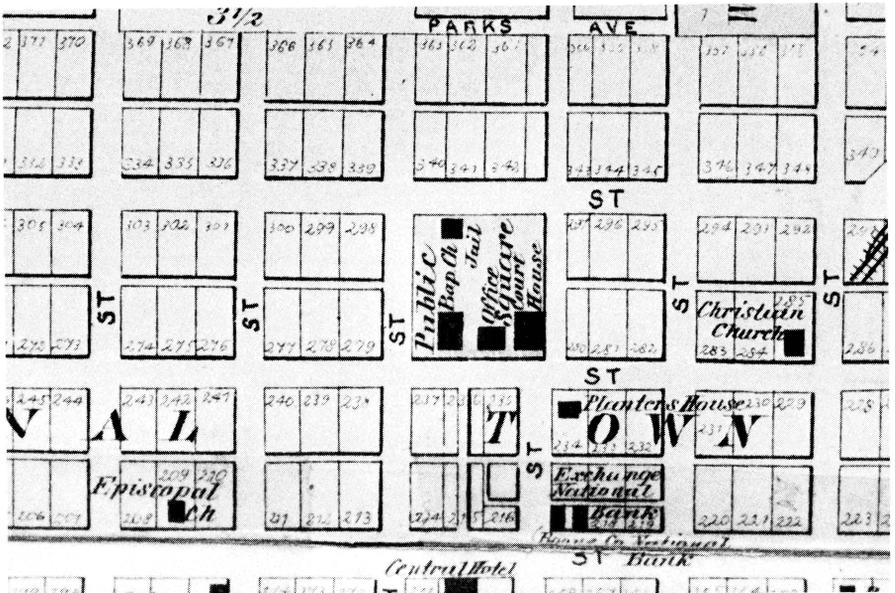


Figure 4. Public Square, Columbia, Missouri, 1875. From: *An Illustrated Historical Atlas of Boone County, Missouri*. Philadelphia: Edwards Brothers, 1875.

publisher, William F. Switzler (1819-1906), gave its dimensions as 40' x 50'. Later he reverted to the 40' figure and described the building as brick, two stories, the lower floor of brick, with a shingled hip roof.¹⁰

Thomas B. Gentry (1830-1906), an attorney and early Boone County justice of the peace, who saw the building as a child, described it as "an old fashioned square, two-story, brick structure, hip roofed, with a sort of round box at the apex of the roof."¹¹ He said it stood just west of the Baptist Church that was erected on the public square later in the nineteenth century (Fig. 4).¹² Gentry recalled that the courthouse had doors on the west, north, and east sides. About two-thirds of the ground floor was paved with brick, he wrote, and:

In this lower story there was erected an inner court, in the north end of the room, semi-circular in form, and of curious and quaint construction. This inner court was for the judge on the bench, which was very much elevated; the clerk just below him; and the sheriff and deputies; the lawyers, litigants, witnesses and jurors. The rest of the crowd in attendance were barred out; and

10. *Columbia Missouri Statesman*, 20 October 1905, p. 5

11. Gentry, *Bench and Bar*, p. 76.

12. *Columbia Missouri Statesman*, 15 October 1891, p. 1; *Columbia Missouri Herald*, 21 December 1900, p. 5.

had to remain down some two feet below on the brick pavements on the ground floor.¹³

Another eye witness, writing in 1900, described the building as “a small two story brick house shaded in the rear by two small rooms. The front upper and lower rooms were the circuit and county court rooms and the sheds were county and clerk’s offices.”¹⁴

No illustrations of the building are known to exist, but its design, square with a hip roof, resembled one that was popular in the Midwest from the 1830s through the 1870s and used for such diverse structures as courthouses, opera houses, and hotels. The buildings were usually between 40’ and 50’ square with floor plans that featured either a center hall or transverse halls.

The east entry of Boone County’s courthouse faced Eighth Street, also known as Court Street, where the focus of community development began. In 1822, several houses were built on Eighth Street; by 1834 Columbia’s first church stood on the corner of Eighth and Walnut Streets.¹⁵

Because fire presented a constant threat in the nineteenth century, public records frequently were housed in separate buildings. Boone County records were kept in one-story, brick building with a tin roof which stood some distance east of the courthouse. Gentry once saw the courthouse itself on fire. He remembers watching as Sheriff F. A. Hamilton, working frantically on the roof in an attempt to extinguish the flames, yelled to the large crowd below, “Good God, men, bring me water.”¹⁶

An 1843 letter to Switzler’s *Columbia Missouri Statesman* noted with dismay that the courthouse had caught fire for the second time in a year:

. . . what should the County Court do? Has not that body sufficient evidence before it to justify it in having the stovepipes so fixed that fire will not be communicated to the roof of the building? Do they not owe this much to the citizens of the county, and to private individuals who own property near it? Should the Courthouse be burned down, the same County Court who now sit in it would have to assemble somewhere else, and perform the disagreeable duty of levying a ten or fifteen thousand dollar tax upon the county to build another. And how would the people relish such a tax, for such an object, at this ‘critical [sic] conjecture in the affairs of the world?’¹⁷.

13. *Columbia Missouri Herald*, 21 December 1900, p. 5.

14. *Columbia Missouri Herald*, 20 July 1900, p. 13.

15. Stephens, “Boone County History,” *Columbia Daily Tribune*, 5 March, 31 March 1915.

16. *Columbia Missouri Herald*, 21 December 1900, p. 5. New buildings were erected on the site of the old ones in 1872. *Columbia Missouri Statesman*, 19 April 1872, p. 3.

17. *Columbia Missouri Statesman*, 24 March 1843, p. 2.

Two years later an article in the *Statesman* again called attention to the courthouse's condition:

It is plain that the present old rickety concern in Columbia, called by way of distinction, a Court House, will not long answer the purpose. Even now at some periods, it is thought dangerous to occupy it. So cracked are the walls and so decayed are the brick of which it is made, that a right strong `norwester, coming in full tilt against it from the Grand Prairie, or booming along across our farms and woodlands, would level it with the ground an indistinguishable mass of ruins—a mass, too, which would not be like ancient Rome, “magnificent in ruins!”

The question, it seems to us, from the inevitable tendencies of things, is destined to enter largely into the next canvass for county court Judges. Doubtless we shall have new and old Court House candidates. For the present we merely ask public attention to the subject.¹⁸

A determined county court pursued plans to build in spite of some opposition. Stephens noted that, “Old fogies made strenuous efforts to thwart such a movement, but . . . the county court . . . confronted this opposition and . . . appropriated \$10,000.” This decision, made before the election, kept the issue from becoming political.¹⁹

As the new building neared completion, destruction and sale of the 1824 building was ordered:

The old one has stood for more than a quarter of a century and, during that time, because in the first place poorly built, has made poor resistance to the wind and weather, storms, and tempests, with which it has been assailed. . . . [It] must soon fall down for the want of power to stand up.²⁰

All sentiment seems to have vanished after the sale in December 1847, for the purchaser was under court obligation to remove it, “. . . not leaving an atom behind from the lot on which it stands. Away with it! Away with it!”²¹

18. *Columbia Missouri Statesman*, 5 December 1845, p. 2.

19. Stephens, “Boone County History,” *Columbia Daily Tribune*, 17 May 1915.

20. *Columbia Missouri Statesman*, 26 December 1845, p. 2.

21. *Columbia Missouri Statesman*, 3 December 1847, p. 2. It was razed and the brick used in the construction of the Karl Kehr house on the south side of West Broadway near the M.K.T. station. The house remained standing in the 1920s. *Columbia Missouri Herald*, 21 December 1900, p. 5; *University Missourian*, 27 June 1921, p. 1.

Second County Courthouse, 1845-47

E. W. Stephens recalled that justice had had a hard time finding a home in Boone County and was “. . . permitted nowhere to lay its head for any great length of time . . .” He wondered if it was the courts’ wandering that encouraged officials in 1845 to build a structure strong enough to hold it for all time and that had inspired them “. . . to cry out in their agony and exultation, ‘O justice make this thy dwelling place.’ ”²²

The county court appointed William Jewell to advertise for proposals, contract for building, and superintend construction of the new Boone County courthouse. In December 1845 the court appropriated \$10,000 for the project.²³

Jewell (1789-1852), an interesting figure in early central Missouri history, typified the versatile, intelligent, nineteenth-century man. He practiced medicine, actively participated in city, county, church, and educational affairs, and served as superintendent or architect of several Columbia construction projects. Jewell was highly respected in the community, and the *Statesman* regarded him as an excellent choice for the important courthouse assignment.²⁴

In January 1846 Jewell provided the court with an “outline plan,” a description of materials that would be needed, and a revised cost estimate. The court approved his plan and allocated an additional \$5,000, which brought the total appropriation to \$15,000. Payments were to be made as the work progressed: \$2,000 when the foundation was completed and accepted by the superintendent; \$2,500 upon completion of the brick work and columns; \$3,500 when the roof was finished with copper sheeting, and so forth.²⁵

The county court chose an unorthodox location on the square for the new building:

Ordered by court that the contemplated new courthouse for this county be erected in 8th cross street in the Town of Columbia, east of the public square and as far North of Walnut Street as may be necessary to admit of a front yard.²⁶

This placed the building on the eastern side of the public square rather than in its center, which was the most frequently selected position for midwestern courthouses. Boone County’s future courthouse would thus be

22. *Columbia Missouri Herald*, 6 September 1907, p. 6.

23. County Court Record, vol. G, p. 322.

24. *Columbia Missouri Statesman*, 19 December 1845, p. 2; 12 October 1849, p. 1; “Dr. William Jewell,” an address delivered by North Todd Gentry, 6 December 1932, available at the State Historical Society.

25. County Court Record, vol. G, pp. 334-35. Later the court dispensed with the use of copper “on and about the new courthouse, further than the superintendent may think it advisable to use it.” p. 377.

26. County Court Record, vol. G, p. 334.

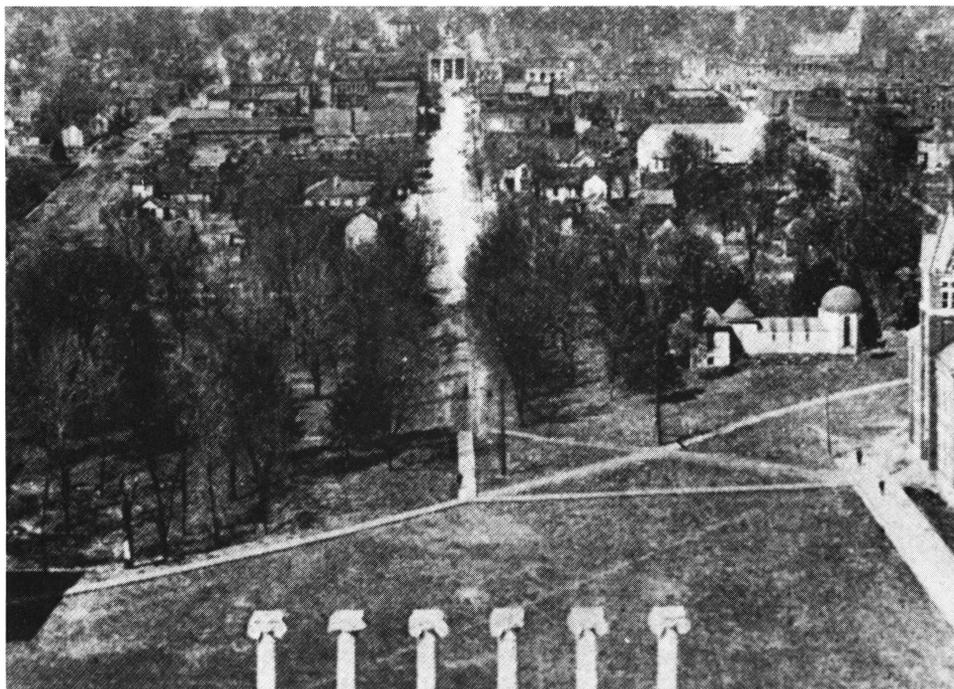


Figure 5. Boone County Courthouse of 1847 aligned with the University of Missouri columns. From: *Columbia Missouri Herald*, Special Edition, 1905.



Figure 6. Academic Hall, 1839-1892, A. Stephen Hills, architect, University of Missouri-Columbia. Photo ca. 1880: Courtesy State Historical Society of Missouri.

aligned with the facade of the University of Missouri Academic Hall, designed by A. Stephen Hills in 1839 (Figs. 5 and 6). Credit for this concept is usually attributed to Jewell.

The court empowered the superintendent to negotiate with the owners of lots 280 and 297, which were needed for expansion to the east (Fig. 4). The court indicated it would select another location on the square if Jewell encountered insurmountable difficulties in trying to erect the building on the preferred site, but such action was not necessary.

In March 1846, plans and specifications submitted by Jewell were approved by the court and placed in the county clerk's office, available to those interested in making bids on construction.²⁷ Contracts ultimately were awarded to Larkin Richardson for stone work, Henry Keene for brick work, B. McAlester [also spelled McAllister] for carpentry, and Rolly Asbury for plastering. Jewell figured the final construction cost at \$17,165.²⁸ An early print from the 1875 *Illustrated Atlas of Boone County* depicts this Greek Revival building (Fig. 7).

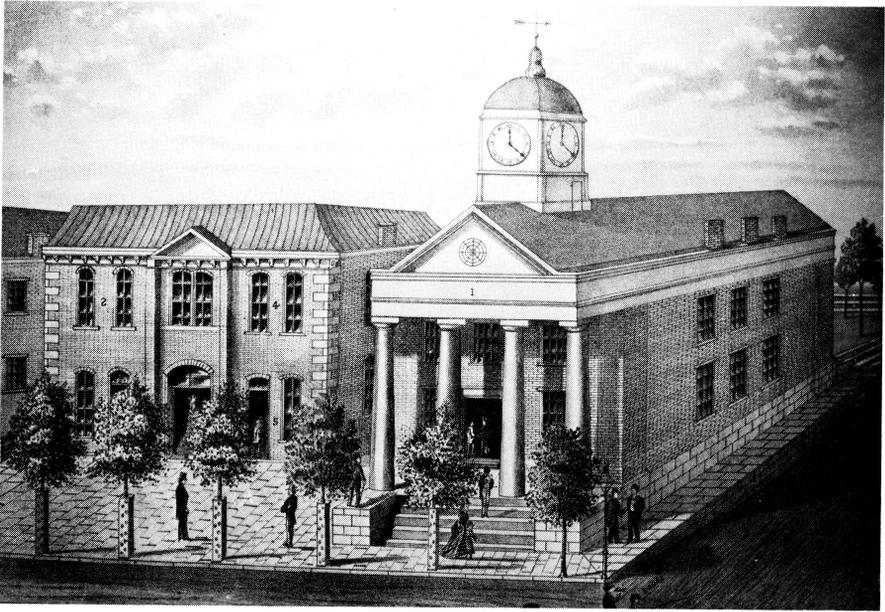


Figure 7. Boone County Courthouse, 1847-1909. From: *An Illustrated Historical Atlas of Boone County, Missouri*. Philadelphia: Edwards Brothers, 1875.

27. County Court Record, vol. G, pp. 407-09.

28. *Columbia Missouri Statesman*, 20 February 1846, p. 2; 20 November 1847, p. 2; *History of Boone County*, 1882, pp. 349-50; See *Columbia Missouri Statesman*, 22 September 1882, p. 3 for a notice of Richardson's death.



Figure 8. Boone County Courthouse, 1847-1909. Photo ca. 1900: Courtesy State Historical Society of Missouri.

At the dedication ceremony on 22 November 1847, Jewell presented the symbolic keys to members of the court (Fig. 8):

This morning I come before you to place in your hands the keys of a plain, appropriate, and I think, a noble structure.

Take them, and never forget for a moment, the new responsibility by this act of reception assumed to take good care of them and the House to which they belong.

. . . the new Court House is a *good house*, sound, and made of good materials, and well executed, from bottom to top. It is also according to my judgment a *very cheap house*. It is, I doubt not, the best and cheapest public building that has ever been erected in the state, or likely will be whilst labor commands its present prices.²⁹

The *Statesman* described the building:

It is indeed a most tasteful and beautiful structure, combining all the advantages of excellency [*sic*] of material, of strength and solidity

29. *Columbia Missouri Statesman*, 26 November 1847, p. 2.

with a beauty of finish and a justness of proportion, which are rarely equalled. It will remain a model of architectural beauty, an ornament to our Town, an evidence of the liberality of our county, a monument to the skill and faithfulness of the builders.

The same article reported that the court took note of Jewell's “. . . close attention, unwearied perseverance, and untiring energy in the personal supervision which he exercised over the work in every stage of its progress . . . during periods of ill health and suffering which would have deterred any one else from the task. . . .”

Pride surely swelled for Boone Countians as the *Statesman* commented on their recently completed building:

Looking to the permanent and lasting interests of the people, the court house is upon a scale not graduated, solely, by the wants of this day, or of this year; but such as will meet the growing wants of the community. In truth, we are probably justified in saying that it is, beyond doubt, in every respect, the best courthouse in the state.³⁰

The courthouse faced south. Including its portico, it measured 84' long X 50' 8'' wide. Just inside the entrance, a flight of stairs on the right led to the circuit court room and above that, to the attic. Beyond the foot of the stairway on the first floor was the sheriff's office on the right and a large county clerk's office on the left. This latter connected both with the hallway and with the courtroom, which was located at the rear of the first floor. The center hall led directly to the 46' X 39' courtroom. The second story duplicated the plan, with the circuit courtroom at the rear. The bar, surrounded by a balustrade, measured 28' wide X 30' long. An account of the finished building in the *Statesman* described two inscriptions, one above the other, over the entry door:

Above the front-door, inserted in the wall there is a stone plate on which are seen in ever-enduring letters and as a merited compliment to those gentlemen the names of W. M. Winter, architect; L. Richardson, H. Keene and B. McCallister, builders; William Jewell, superintendent. Just below this plate, on the stone lintel of the front door, is the following appropriate inscription: “Oh, Justice, when expelled from other habitations make this thy dwelling place.” (Fig. 9).³¹

30. *Columbia Missouri Statesman*, 10 December 1847, p. 2.

31. *Ibid.* Also see Appendix A for discussion of the motto.



Figure 9. Plaque from 1847 Boone County Courthouse, now hanging in foyer of courthouse constructed in 1909. Photo 1978: Mary Bradford.

This motto, generally attributed to Jewell, was quoted frequently by Missouri attorneys and, according to one commentator, on occasion it “inspired eloquence that has swayed juries and made the scales in the hands of justice quiver.”³²

The other inscription generated far less interest than the motto, but Switzler relates a curious incident involving it. Jewell, he says, reportedly erased the name of architect W. M. Winter from the plate, but he states no reason for this action. Switzler’s account is the only known reference to this incident.³³ On one other occasion the name Winter was associated with Missouri’s early architectural history. In 1839 both W. M. Winter and A. Stephen Hills submitted competitive designs for the University of Missouri’s Academic Hall (Fig. 6). The Curators paid each architect \$75 for plans, but preferred the design by Hills.³⁴ Nothing more is known of Winter or his career.

John S. Ankeney (1870-1946), professor of art at the University of Missouri, described the 1847 courthouse as having a:

. . . beautiful tetrastyle Doric portico [closer to Tuscan] with handsome entablature and heavy cornice that kept the temple aspect by making the two stories appear almost as one. . . . [The] columns were well proportioned of Boone County limestone, unfluted, and the brick walls had pilasters with stone caps and bases. The entablature, pediment, and roof were of wood, the pediment rather high and the clock tower a trifle small, but well placed over the entrance wall.³⁵

32. Walter Ridgeway, “Boone County’s Justice Motto,” *Missouri Historical Review*, vol. XXI, October 1926, p. 114. Ridgeway was editor of the *Howard County Advertiser*, *Kirksville Daily Express*, and business manager for the *Columbia Daily Herald*.

33. Switzler, *History of Boone County*, pp. 349-50.

34. Board of Curators’ Minute Book, 29 October 1839, Reel 1, Western Historical-Manuscripts Collection, Columbia, Missouri.

35. John Ankeney, “A Century of Missouri Art,” *Missouri Historical Review*, vol. XVI, July 1922, p. 481.

A clock was not placed in the tower until 1859 when donations supplied funds for its purchase. The clock was used for fifty years.³⁶

Hutchens Barnett, who settled in Boone County in 1820, extolled the progress of mid-nineteenth-century Columbia in a poem without literary merit, "The Town Columbia." In its concluding lines, he speaks of the courthouse:

The new Court House we now bring in,
For to complete the lovely scene,
Constructed on a famous plan;
And the same Trustee now acts again.³⁷

Materials sought for round about,
From the Quarry and the Kiln,
And the rock was so wrought out
As to show superior skill.

And all put up in splendid style
Such as I have seldom seen
Although I've traveled a great deal,
In town and cities oft have been.

L. Richardson, the Architect,
Hath for himself a laurel won,
As Doctor Jewell hath also done,
In the town of Columbia.³⁸

Of special interest are Barnett's notions that the courthouse was constructed on an unidentified, famous plan and that Richardson was the architect.

Missouri's nineteenth-century courthouses were often put to multiple uses. A relationship was established between the Boone County courthouse and the University of Missouri when the procession to deliver the key to the university's new Academic Hall began at the courthouse. Thereafter participants in commencement programs marched from the courthouse with "banners flying" to the quadrangle in the heart of the campus.³⁹

The courthouse also served as a forum for community affairs. Discussions on such matters as building a plank road or inducing a railroad to pass through Columbia took place in its rooms. The imposing courthouse door served as a backdrop for land auctions and the sale and hiring of slaves.

36. *Columbia Missouri Statesman*, 25 June 1909, p. 6; Gentry, *Bench and Bar*, pp. 78 and 272.

37. Barnett is referring to Jewell, who previously was praised in the poem as the overseer of macadamizing Broadway.

38. *Columbia Missouri Statesman*, 5 November 1847, p. 3.

39. Board of Curators' Minute Book, Reel 11, 1843; *Columbia Missouri Herald*, 20 December 1901, p. 10.



Figure 10. View of Columbia, Missouri, by A. Ruger, 1869. Number 5, Courthouse; Number 8, Baptist Church. Photo: Courtesy State Historical Society of Missouri.

Congregations for the first regular religious services in Columbia met in the courtroom, and the same hall hosted traveling troupes before opera houses were built.

Arguments on the Kansas-Nebraska question, the Mormon situation, and secession all took place in the courthouse. After fire destroyed Academic Hall in 1892, the courthouse opened its doors to university classes until other quarters could be arranged. The first public library found a home at the courthouse about 1855, and pianist “Blind” Boone gave memorable performances in the county courtroom.⁴⁰

For a number of years the Baptist Church occupied the southwest corner of the public square, an arrangement possibly unique in Missouri history (Fig. 10). The effort to locate the church building on that site succeeded largely because of Jewell’s extraordinary influence. But legal problems arose in 1891 when the church planned a new building. North Todd Gentry, an attorney in the case, was surprised to learn that in 1851 the county court deeded a 70’ X 42½’ parcel on the courthouse square to Jewell and trustees of the Baptist Church. The county offered \$1,500 to recover the property, but the Baptists asked \$2,500. Gentry worked out a compromise which resulted in the Baptists’ deeding the property back to the county for \$2,000.⁴¹

40. C. B. Sebastian, “The Courthouse Before the War,” *Columbia Missouri Statesman*, 25 June 1909, p. 6; *Columbia Missourian*, 15 February 1924, p. 8; Gentry, *Bench and Bar*, pp. 80 and 273.

41. Gentry, “Dr. William Jewell,” pp. 10-11.

Because the courthouse was the focal point of the community, many non-governmental activities took place there. An unusual exhibition prompted Walter Lenoir, an immigrant to Missouri from North Carolina, to write his brother in May 1835 from the central area of Boone County:

I was at Columbia on the first Mon. of this month it being County Court week and I think that there were at least three times as many people there as attend courts in Wilkes [North Carolina]. The Monday of this term is a day of exhibition for showing asses and strange, strange, to tell there were 7 or 8 Jacks and stable horses exhibited on the Court green on that day. This is a circumstance that goes to shew that there must be a dense population in Boon.⁴²

Renting courthouse rooms by the day, week, month or year was a common practice. Missouri's nationally known artist, George Caleb Bingham, used the Grand Jury room in the Boone County courthouse as a studio during his frequent visits to and temporary residence in Columbia in the mid-1800s. The *Statesman* reported with obvious delight:

Mr. Bingham, the distinguished "Missouri Artist" opened a studio in the Grand Jury room of the Courthouse in this place where he is engaged in painting portraits. He has taken several—executed of course in the best style of his wonderful art. He expects to receive from New York, by our county Fair, his celebrated painting—"The Verdict of the People."⁴³

Bingham almost certainly used Boone County's courthouse as the model for the courthouse in both versions of his painting *Verdict of the People* (Figs. 11 and 12). Although Bingham varied the details of human and animal subjects in the paintings and created artistic effects in the street architecture, the courthouse setting remained the same. The unusual placement of the Boone County courthouse on the extreme southeast corner of the square leaves little doubt that it is the building depicted in both works (Fig. 13).

As previously noted, a common midwestern plan placed the courthouse in the center of the public square with businesses facing it on all four adjacent squares. Greek Revival designs, rectangular in shape, emphasized a single facade, and were not appropriately placed in a courthouse square where the four facades required equal consideration. Although the plan for Columbia called for a courthouse square concept, the courthouse location deviated from the conventional one. In all probability Jewell selected the Greek Revival

42. Lenoir Family Letters, collection 1826, f. 2, Western Historical Manuscripts Collection, Columbia, Missouri.

43. *Columbia Missouri Statesman*, 14 September 1855, p. 3.



Figure 11. George Caleb Bingham, *Verdict of the People*, 1854-1855. Collection of the Boatmen's National Bank of St. Louis.

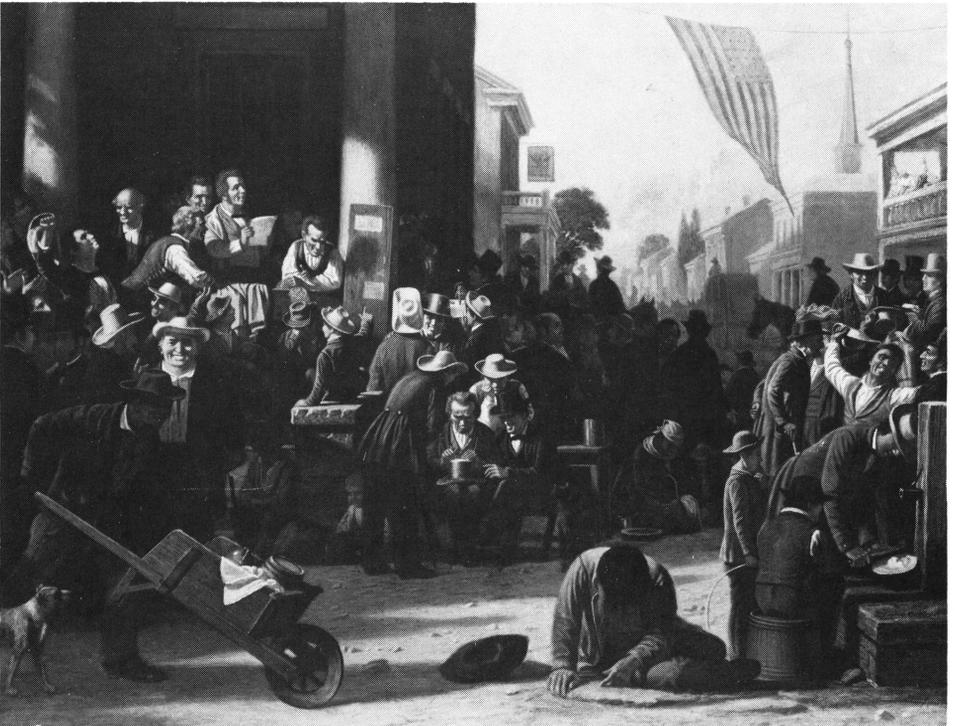


Figure 12. George Caleb Bingham, *Verdict of the People*, after 1855. Courtesy of The R. W. Norton Art Gallery, Shreveport, La.



Figure 13. Boone County Courthouse, 1847-1909. From: *Columbia Missouri Herald*, Historic Edition, 1895.

design to complement Academic Hall and to create a harmonious visual relationship between the institutions of government and education.

Bingham adopted this rare corner placement of a Greek Revival design courthouse for his painting. The crossing dirt streets in the painting are most likely Eighth and Walnut Streets. This intersection developed quickly after the 1820s, but did not approach the fanciful setting Bingham imagined in the 1850s.

The courthouses in both versions of the painting are remarkably similar structures of red brick trimmed in light-colored stone. Details appearing above the window behind the speaker are repeated on the regularly spaced windows along the side of the building. The large, smooth, stone columns have similar proportions. Jutting ledges border the steps and provide convenient seating space. Boone County's courthouse, still radiating the appeal and glow of newness, would have been less than seven years old at the time Bingham did the painting.

In the following decade Civil War activity throughout Missouri centered about public squares. Courthouses sometimes became fortified arsenals and destruction by fire was widespread. Skirmishes in the Columbia area signaled such danger. Lewis M. Switzler, brother of William F., recalled that he and other lawyers prevented bushwhackers from setting fire to the main buildings on the square by digging a ditch around the courthouse, clerk's office, and Baptist Church. This precaution, designed to foil plans to pull a wagonload of burning hay next to any of the structures, also provided an immediate source

of water when the trench filled with rain water. Switzler said soldiers of the regular army, or home guards, occupied and barricaded the courthouse during the war.⁴⁴

After the war, time and hard use took an inevitable toll on the building. The increasing population required additional services, and by the end of the century, Boone Countians once again spoke of building a new courthouse.

Campaign for a New Courthouse

Agitators for a new courthouse attacked the structural weakness of the old one, warned of the potential fire hazard, and complained of inadequate facilities. Twice they brought the proposal to a vote, and twice the issue failed. The *Columbia Missouri Herald* explored possible causes for the defeat of the proposition: the court had requested too large an appropriation; a dispute over site location had created tension; other needs, such as road repair had held higher priority; and an antagonistic minority had expressed lack of confidence in the court system, saying “. . . justice is not always done inside its walls.” The *Herald* considered all these reasons “untenable.”⁴⁵

Boone Countians had voted on a direct tax, and those who defended the appropriation encouraged voters to look at nearby Carroll County, where citizens recently authorized construction of a new courthouse. Thereafter, prosperity had increased so rapidly that the yearly levy had been cut almost in half.

As another election approached, proponents of the new courthouse spoke more forcefully and used both factual evidence and emotional appeal to encourage a yea vote. Protection of irreplaceable records was a legitimate concern, one that was intensified by the wanton destruction that occurred during the Civil War. But fire hazards inevitably accompanied nineteenth-century heating systems. During this period fire consumed a county courthouse in southeast Missouri. Boone Countians espousing a safe new building pointed the shaking finger toward the local courthouse. “Our present courthouse is a disgrace . . . it is a constant peril to the county records,” a *Herald* article said. “Only last week a court house was burned in New Madrid and the destruction has left the public affairs in a deplorable condition.”⁴⁶

Some raised objections to the 1847 building itself: it stood too close to the street, and wagons disturbed proceedings; it was too small for public meetings and unsuitable for business needs; it offered an unhealthy atmosphere for juries, who deserved decent quarters; it lagged fifty years behind the times.

The site of the proposed new courthouse also developed into a distressing controversy. Planners intended to place the new courthouse in the center of the existing square, but the poor condition of property about the square caused concern. Some, noting that the city’s major development had moved a block south to Broadway, questioned the wisdom of retaining the square site or including a specific location on the first ballot (Fig. 14).

44. Gentry, *Bench and Bar*, p. 266.

45. *Columbia Missouri Herald*, 3 April 1903, pp. 3-4.

46. *Columbia Missouri Herald*, 29 September 1905, p. 4.

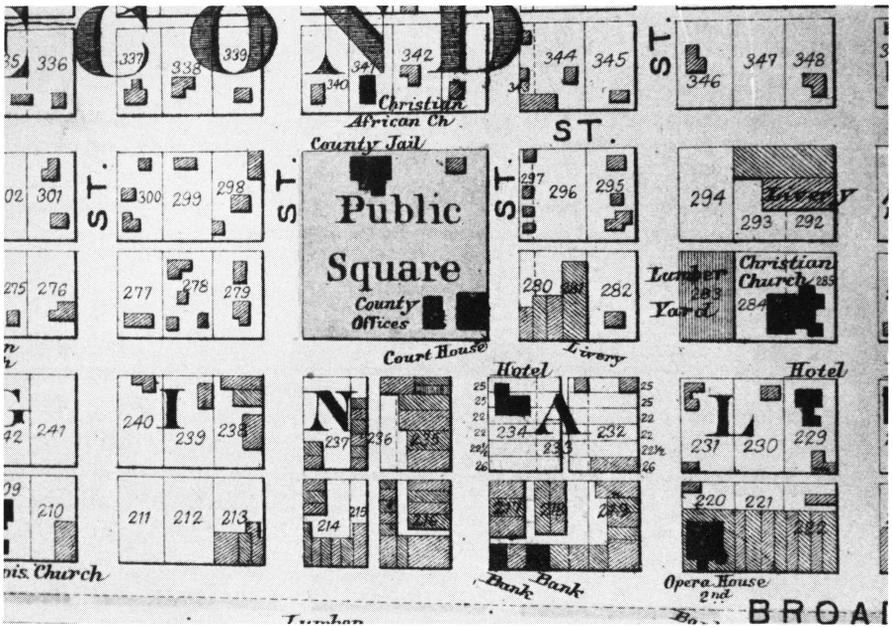


Figure 14. Public Square, Columbia, Missouri, 1898. From *Plat Book of Boone County, Missouri*. [n.p.]: Northwest Publishing Company, 1898.

A *Herald* writer regretted the choice of a central location on the square because alignment with the main building of the university would then be lost (Fig. 5). He also held that a public building should be situated to command the best possible view, at the head or foot of a street or on a high eminence (Fig. 15). In support of his position he cited several European examples.⁴⁷

Judges of the court claimed the proposed tax levy called for construction on the existing site and a change of location would vitiate the proceedings. They also said they were not legally authorized to move the site. William Switzler concurred, citing the deed which conveyed the ground to the county for use as the public square. The court decided to place the new courthouse, if approved by the voters, in a central location on the original site (Fig. 16).⁴⁸

Whether residents of Columbia or rural people would benefit most from the new courthouse became a topic for discussion. A *Herald* writer felt farmers stood to gain more:

Those most interested in the use of the courthouse are the farmers of Boone County, as they and their families constitute more than two-thirds of the population of the county and more than four-fifths of the business transacted in the courthouse and its offices relates to business in which farmers are personally interested . . . it is the only public building in the county over which

47. *The Daily Herald*, 10 March 1906, p. 1.

48. *Columbia Missouri Statesman*, 13 October, p. 1, 20 October, p. 5, 1905; *The Daily Herald*, 10 March 1906, p. 1.

they have any control; under the shadow of its dome they are at home.⁴⁹

Columbians, it was noted, would not use the courthouse one-fourth as much as the country people; their chief interest was that of pride. But the courthouse's appeal as a focal point for the community was generally acknowledged. Court proceedings held particular fascination. A *Herald* article described the attention that courthouse activities often attracted:

Nothing draws better than a trial court. The courthouse during the sessions of court is the center of attraction. No minstrel show or political orator attracts so large, curious, and miscellaneous an ordinance [*sic*]. From the least even to the greatest, all go to the courthouse. Preachers and hoodlums, teachers and students, bankers and tramps, white and black, there is no class which does not have numerous representatives in the courtroom . . . even when the matters involved are of the most trifling consequence . . . there is this widespread interest. People without any business in the courthouse throng it . . . What is the cause? . . . Whatever the reason the fact remains that the courthouse draws better than a circus.⁵⁰

As the third election approached, there was apprehension about the vote. The *Herald* sounded a warning:

If it [the electorate] fails now for the third time to provide this badly needed public institution it will not only do a distinct injury to every public interest, but it will advertise itself to the world as far behind three-fourths of the counties in the state in an essential evidence of public enterprise.⁵¹

Boone Countians finally cast their ballots in favor of a new \$100,000 courthouse on 30 September 1905 and authorized a three-year tax of \$.33 on every \$100 of property valuation.

49. *Columbia Missouri Herald*, 30 November 1900, p. 3.

50. *Columbia Missouri Herald*, 17 October 1902, p. 4; also see *Columbia Missouri Statesman*, 22 September 1905, pp. 1 and 4; *Columbia Missouri Herald*, 13 July 1900, p. 4; and 6 October 1905, p. 4. Racism and bigotry inflamed the arguments over location. See M. G. Quinn's letter in the *Columbia Missouri Herald*, 17 August 1900, p. 4; and the arguments which followed, 31 August 1900, p. 19.

51. *Columbia Missouri Herald*, 29 September 1905, p. 4.

Third County Courthouse, 1906-09

The authority for choosing a plan and the responsibility for overseeing construction of the courthouse rested with the three county court judges.

Although the court held no formal competition, twenty-two architects visited Columbia to promote their ideas. R. A. Kirsch, a St. Louisan who was originally from Wisconsin, had recently designed remarkably similar courthouses in Adair County (1899), Carroll County (1901-04), Polk County (1906-07), and Vernon County (1906-08). The architect of the Cole County courthouse (1896-97), Frank B. Miller of the firm Miller and Opel, brought proposals to Columbia in November 1905. An ex-state senator, Henry H. Hohenschild, also submitted possible designs. He planned courthouses for Howell County (1883) and Pulaski County (1903). Later in the twentieth century plans came from his office for courthouses in Scott, Washington, and Barry Counties. Among the Missouri courthouse designs of contender Jerome B. Legg of St. Louis were Ste. Genevieve County (1885), Shelby County (1892-93), Gasconade County (1898), Mississippi County (1900), and St. Charles County (c.1900). Out-of-state applicants included a Mr. Loomis from Louisville, Kentucky, and a Mr. Brush of Chicago.⁵²

The building committee examined the courthouse built in 1884 in Pettis County. Committee members concluded that the criminal courtroom was too large. For several years it had not been used because adequate facilities existed in the circuit courtroom. The committee noted in its report that the Pettis County courthouse was not fireproof, an observation that proved prophetic. Fire destroyed the building in the 1920s.⁵³

Boone County officials made a rather curious proposal to the contending architects. An article in the *Statesman* capsulized it:

Their present plan is not to definitely employ the architect, but to single one out from among the rest and to have this architect so revise and change his plans that they will come within the pale of what the Court thinks the new building ought to be, as to arrangement and style of architecture . . . if his plans do not suit and if the contractors say that a building of such character and proportions cannot be built for the amount of money set aside for this purpose the said architect is to forfeit all his remuneration. . . .⁵⁴

These stipulations proved no deterrent, and the court was besieged by architects submitting plans. After months of studying proposals and inter-

52. *Columbia Missouri Statesman*, 17 November, p. 6, 8 December, p. 8, 15 December, p. 6, 22 December, p. 8, 1905; *Columbia Missouri Herald*, 22 December 1905, p. 13; 26 January 1906, p. 14.

53. *Columbia Missouri Statesman*, 12 January 1906, p. 4.

54. *Columbia Missouri Statesman*, 26 January 1906, p. 1.

viewing architects, the court found it necessary to hold the last few sessions behind closed doors. Finally, after the competition narrowed to two candidates, the court awarded the contract in January 1906 to John Henry Felt (1867-1938), of the Kansas City firm J. H. Felt & Co., with the proviso that the architect revise his plans to meet the court's wishes regarding exterior design and interior office placement. The building should be in a classic style, without turrets, gingerbread, or other useless ornamentation, the judges specified. They suggested that it should be imposing but not gaudy. Although the court's selection of Felt appears to have been based upon a preference for his style, the judges noted that he was a person of "sterling, gentlemanly qualities." Compensation to the architect was to be based upon a percentage of the total cost of the building: 3½ percent for the plans and 1½ percent for superintending construction.⁵⁵

The useless ornamentation the officials wished to avoid characterizes many late nineteenth-century courthouses inspired by architect H. H. Richardson's 1884 plan for the Allegheny County courthouse and jail in Pittsburgh, Pennsylvania. Richardson's distinctive design featured turrets and towers, short robust columns, rough stone in contrasting colors, and a massive, irregular outline. Countless variations of his plan appeared throughout the United States. In all probability when architect R. A. Kirsch consulted with Boone County authorities, he presented his Richardsonian Romanesque designs which had already been accepted by four other Missouri counties. But after twenty years the public grew weary of endless variations on the Romanesque theme and longed for change. Perhaps these circumstances prompted Boone County decision-makers to select a restrained style of architecture.

A widely felt longing at the turn of the century for a return to simplicity, clarity, and order created an environment conducive to a revival of the Neo-Classical style. Architects returned to classical forms such as those established in the Pantheon, Rome, 118-125 A. D. Centuries later variations of the concept continued to appear. An example from the sixteenth century is Palladio's Villa Rotonda near Vicenza, Italy. Enduring designs such as these influenced American architects as they prepared plans for public buildings in a nation ready for change.

An illustration of Felt's proposed plan appeared in the *Statesman* and the *Herald* on 23 February 1906 (Fig. 17). The imposing portico, smooth gray stone on the upper stories, regularly spaced windows and balustrade contrasted sharply with the Romanesque features of buildings that has been constructed in earlier decades.

The *Herald* complained that the dome shown in the sketch was "dowdy

55. *The Daily Herald*, 13 February, p. 1, 14 February, p. 1, 1906; (*Columbia Missouri Statesman*, 26 January 1906, p. 1; 26 July 1907, p. 1; *Columbia Daily Tribune*, 1 February 1906, p. 1. See Appendix B for more on Felt.

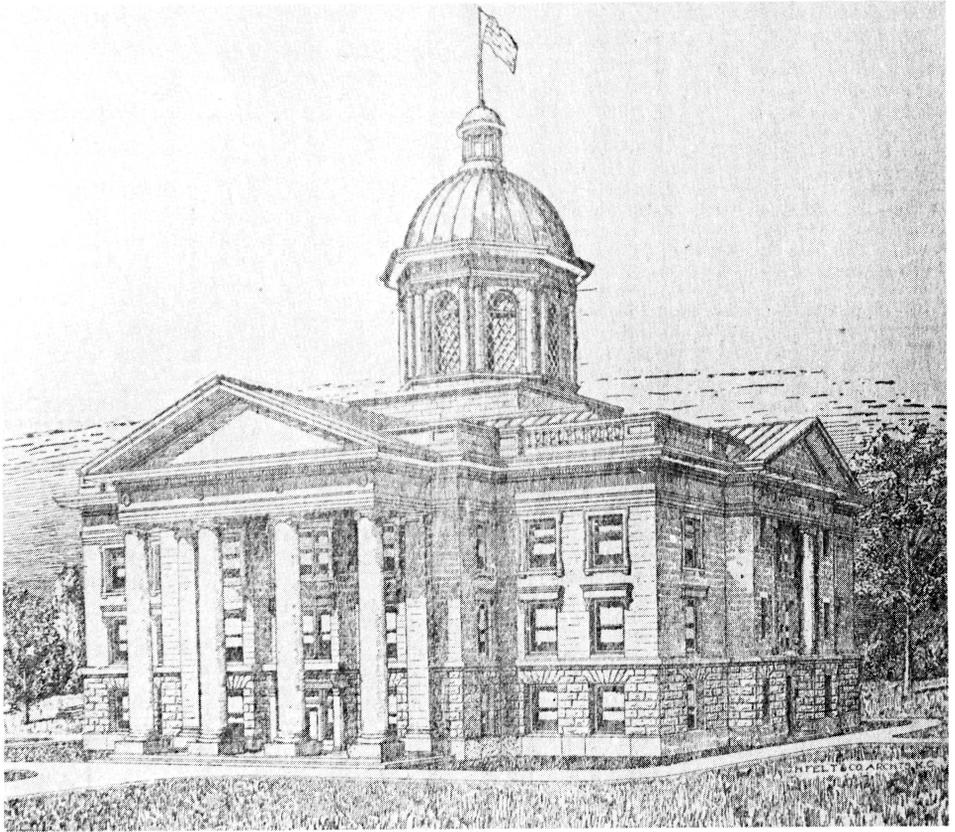


Figure 17. Proposed Boone County Courthouse, J. H. Felt, architect. From: *Columbia Missouri Statesman*, 23 February 1906.

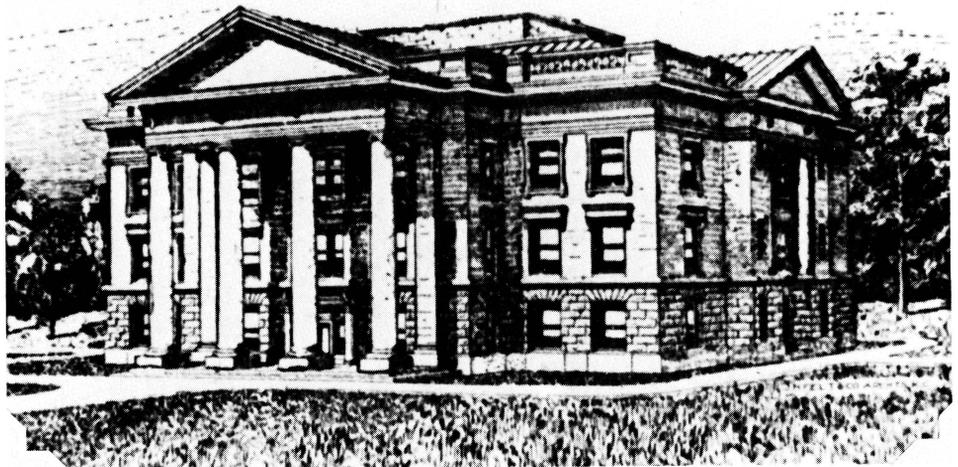


Figure 18. Boone County Courthouse, J. H. Felt, architect. Alternative design without dome. From: *Columbia Daily Herald*, 25 July 1906.

in the extreme” and was of “the old time country high school cupola style placed upon a building beautifully planned otherwise.”⁵⁶

Felt reminded his critics that they were judging a sketch which was a preliminary freehand drawing, not intended to be used for building plans. The design required much careful study and development before its final execution, he said. Felt submitted a set of plans that included requested changes in May 1906.⁵⁷

Local newspapers disagreed about whether to proceed immediately with construction. The *Statesman* encouraged a wait of at least a year until taxes could be collected and the next court elected. But, the *Herald* asked, why encumber a new court with the previous one’s actions? After considering the arguments, the court decided to proceed with construction.

The court considered contractors’ bids in July 1906, but all were rejected because they exceeded the \$100,000 limit. The lowest was \$110,000, the highest, \$138,000.⁵⁸

One reason for the high bids was the rising cost of steel, which would have had to be purchased in quantity to carry out the original dome design. Felt reduced the dome’s size, both to save money and satisfy critics of the original design. The *Herald*, which had complained about the first dome, commented that if the new plans gave the building an “artistic” dome rather than a “dumpy one,” the time and labor involved in revision would not have been in vain.⁵⁹

T. C. Scruggs, a contractor who submitted a bid for construction, suggested that the dome be eliminated from the plan and a battlement added. He justified his proposal by noting that very few recently constructed public buildings had domes. The architectural firm considered this possibility. An associate from J. H. Felt & Co., W. M. Goold, suggested, “To see how the building will look without the dome all you have to do is lay a card over the dome . . .” (Fig. 18). If necessary, he added, the dome could be put on at a later date.⁶⁰ This alternative, along with Felt’s design for a smaller dome, became options for contractors when the plans were once again offered for bids. The *Statesman* described Felt’s revision as “. . . the crescent or half moon dome which is being put on so many classical library and government buildings” (Fig. 19). The only criticism of the new building, the writer noted, had been that the dome was too large and prominent, so he concluded the proposed change would benefit the structure. The revised plans also eliminated cornices in all rooms, frescoes, and other interior ornamentation.

56. *The Daily Herald*, 7 March 1906, p. 2.

57. *The Daily Herald*, 6 March, p. 1, 28 May, p. 1, 1906.

58. *Columbia Missouri Statesman*, 24 November, p. 2, 15 December, p. 2, 1905; 6 July, p. 1, 13 July, p. 1, 1906; *Columbia Missouri Herald*, 13 July 1906, p. 2; *The Daily Herald*, 5 July, p. 1, 6 July, p. 1, 1906.

59. *The Daily Herald*, 7 July, p. 1, 9 July, p. 2, 1906.

60. *The Daily Herald*, 10 July, p. 1, 25 July, p. 1, 1906.

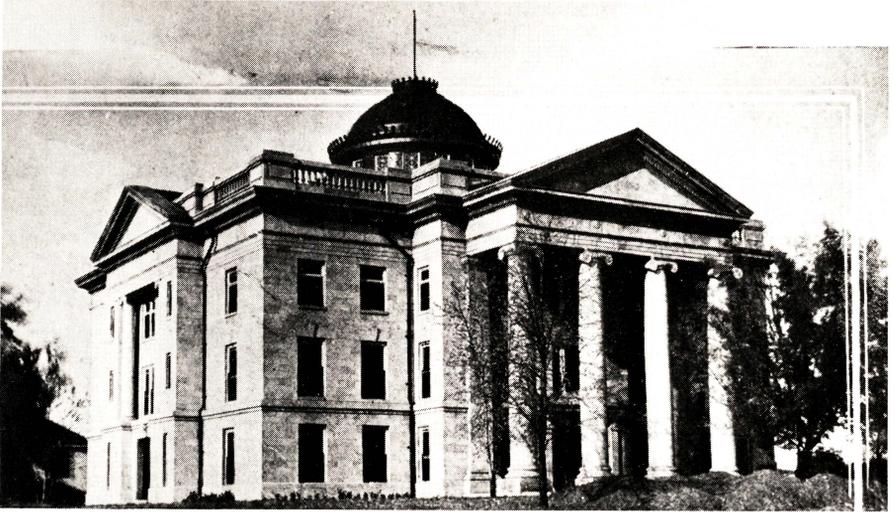


Figure 19. Boone County Courthouse, 1909. J. H. Felt, architect. Photo ca. 1910: Courtesy State Historical Society of Missouri.

Floor plans apparently remained the same (Fig. 20). The *Herald* saw a similarity between the design of the courthouse and the previously mentioned University of Missouri's Academic Hall (Fig. 6).⁶¹

After opening six new bids in late July 1906, the court awarded a \$93,200 construction contract to J. A. McCarter of Macon, Missouri. Originally local stone was to have been used, but quarrying costs proved prohibitive. Instead, the contract called for Bedford and Carthage stone, available from existing quarries. A separate contract of \$5,800 to William Walker for heating and plumbing brought the new courthouse's total cost to nearly \$100,000.⁶²

Construction began in August 1906, and as the building began to take shape it drew harsh criticism. The rough appearance of the foundation rock, as well as the quality of workmanship, caused concern. After a prolonged rain that saturated the ground, the 18' X 11' X 18'' south wall tumbled in. Some angry citizens demanded an investigation before work continued. The court, contractor, and architect asked for time to see how the cement would harden. Thirty days later, the *Statesman* reported that the quality of cement remained in doubt and “. . . too many spawls have been used in this foundation; certainly if the largest and best stones had been used throughout it would give the people much greater confidence in its stability.” Arguments raged for weeks, leading finally to the conclusion that the planners had erred in not putting in a basement. A Kansas City firm's “scientific analysis” of the cement indicated that it was not in accordance with specifications. The

61. *Columbia Missouri Statesman*, 13 July 1906, p. 1; *The Daily Herald*, 25 July 1906, p. 1.

62. *Columbia Missouri Statesman*, 27 July, p. 1, 3 August, p. 1, 1906; *The Daily Herald*, 27 July 1906, p. 1.

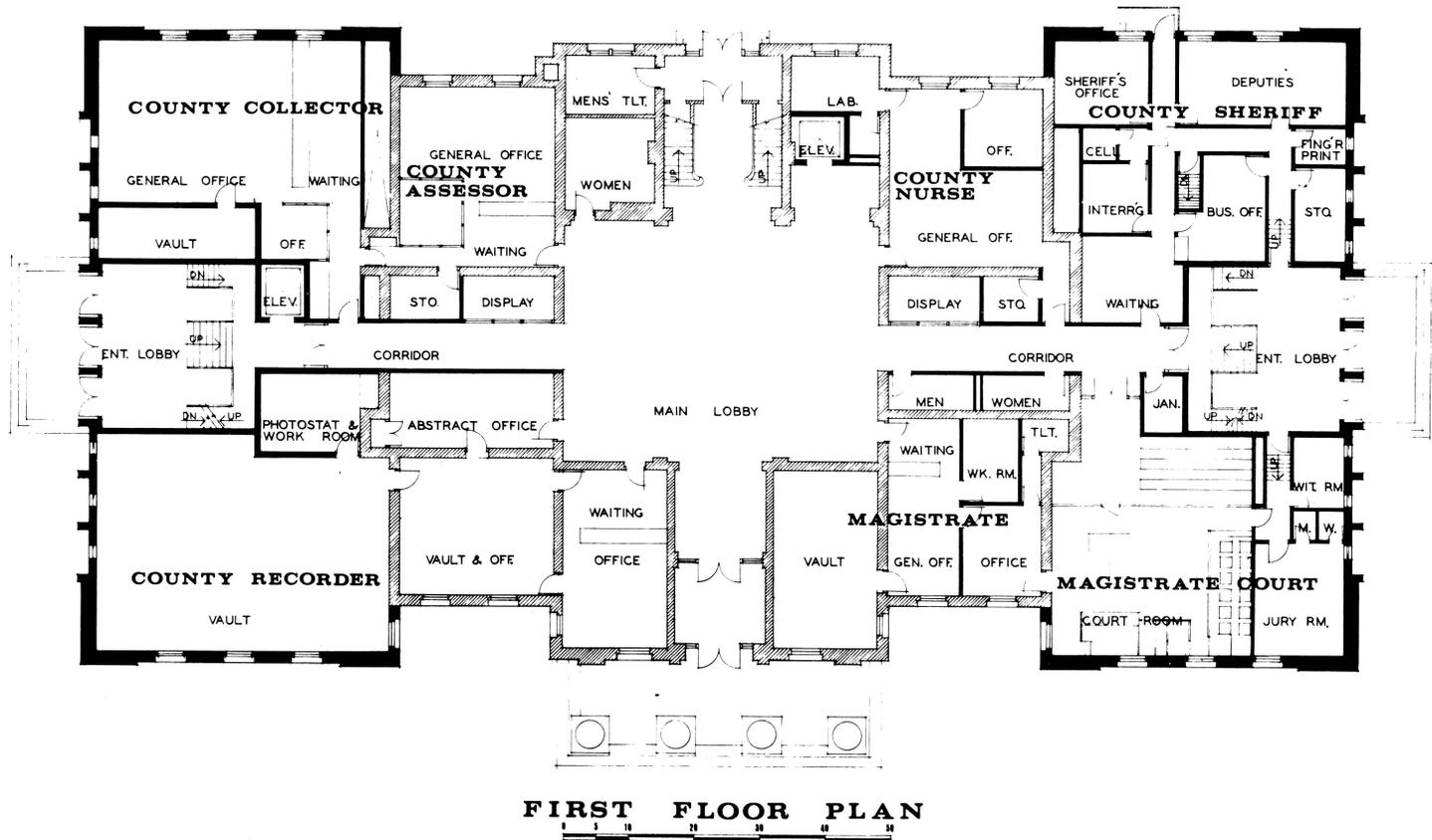
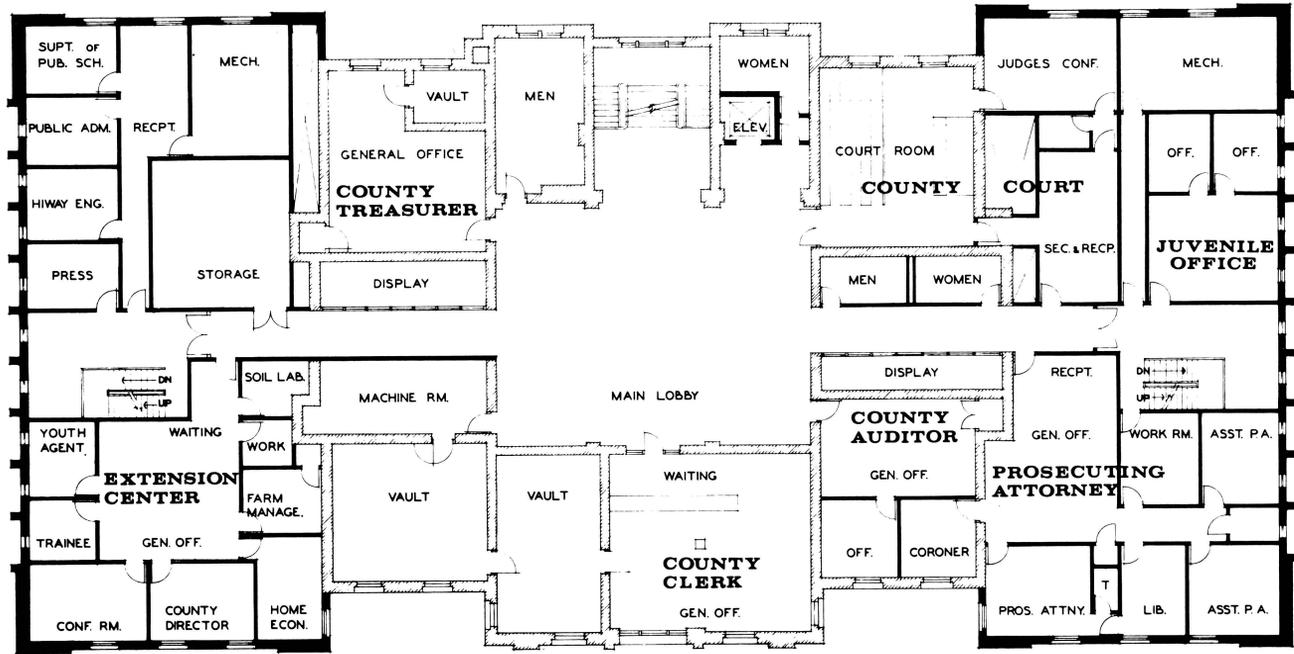
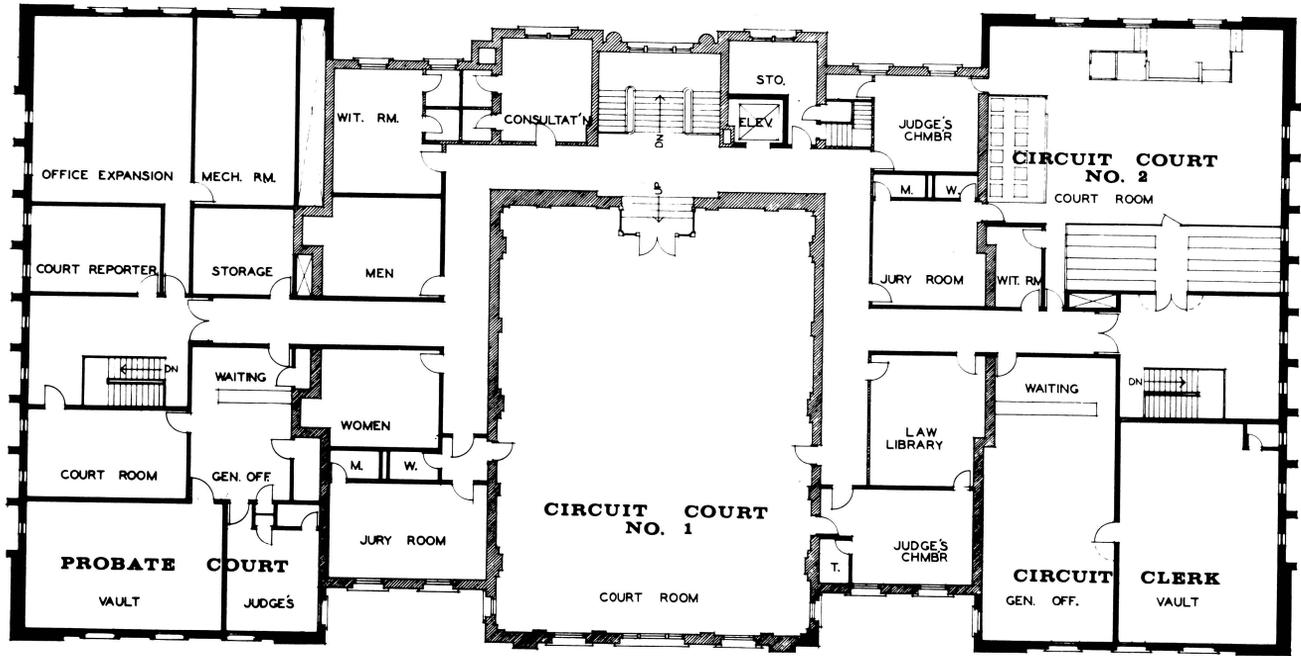


Figure 20. Plans, Boone County Courthouse, first floor. Original plans are missing. These illustrations courtesy of Marshall and Brown, Architecture/Engineering/Planning, Kansas City, Missouri, who submitted a design with wings when the court considered expansion in 1962. Original and existing plan in grey, proposed addition in black.



SECOND FLOOR PLAN
0 5 10 20 30 40 50

Figure 21. Plans, Boone County Courthouse, second floor



THIRD FLOOR PLAN



Figure 22. Plans, Boone County Courthouse, third floor

Statesman expanded the controversy to “protest the employment of indifferent labor on a piece of work which entails the expenditure of one hundred thousand dollars.”⁶³

The trouble was not only with the stone and cement. The bricklayers’ union issued an ultimatum about the county’s employment of non-union labor, and a brief strike followed.⁶⁴

A citizen’s committee of sixty, representing all seven Boone County townships, met to consider the possibility of hiring a local construction superintendent. Politics prejudiced the arguments; tempers flared amidst scathing accusations. The Court House Committee met again in what was described as a “stormy” and “acrimonious” session—no understatement, according to a newspaper report of the assembly. Prosecuting Attorney Frank Harris took the floor to read the law governing the construction of courthouses, but insisted upon also stating the court’s position on the matter. James C. Gillespy, an attorney respected for his knowledge of judicial history, demanded that Harris confine himself to reading the statutes. Harris hotly replied:

I see that you fellows prefer to do all the talking yourselves. I supposed this committee was after information in this matter. Why don’t the speakers come out above board and say the County Court is dishonest.⁶⁵

The *Statesman* continued the story:

A great number of motions of one kind and another were made and just what the actual proceedings were, no one seemed to know and shortly before adjournment Judge Denham of Woodlandville mildly addressed the chair and asked, “Where are we at?”—but the question was evidently too hard, for no one seemed to have the temerity to answer. Col C. C. Torbitt of Huntsdale tried at various times to bring the

63. *The Daily Herald*, 14 August, p. 1, 20 August, p. 1, 3 September, p. 1, 28 September, p. 1, 11 October, p. 1, and 2 November, p. 1, 1906; *Columbia Missouri Herald*, 25 January 1907, p. 1; *Columbia Missouri Statesman*, 25 January, p. 1, 1 February, p. 2, 1 March, p. 2, 22 March, p. 1, 29 March, p. 1, 19 April, p. 2, 26 April, p. 1, 3 May, p. 1, 17 May, p. 2, 24 May, p. 1, 31 May, pp. 1 and 4, 1907. The *Columbia Missouri Statesman* claimed it had nothing against “colored labor. The colored man is here and is entitled to an opportunity to earn an honest living but in a building of such importance only the most skilled white labor should have been employed. . . .” *Columbia Missouri Statesman*, 19 April, p. 2, 26 July, p. 1, 1907.

64. *Columbia Missouri Statesman*, 4 October, p. 11, 25 October, p. 4, 8 November, p. 1, 1907.

65. *Columbia Missouri Statesman*, 2 August 1907, p. 1.

Work continued for the next two years. When the building neared completion in 1909, architect Felt condemned the concrete floors, which were of varying thickness with wood and nails embedded in them. The defective work was remedied in May 1909. The controversy over foundation costs continued, and lawsuits were threatened. But preparations continued for the dedication which was only a month away.⁷¹

Announcements of the formal ceremonies to be held on 23 June 1909 encouraged all Boone Countians to attend. A crowd of 1,500 pressed into the courtroom for the dedication. Some long-time residents recalled that three men who were still living in the area had worked on the first courthouse. The plans for the 1847 building and the carpenter's square used by the late B. M. McAlester during construction were displayed.⁷²

Music was provided by the Sturgeon band, which had been practicing only four or five months, but, according to the *Statesman*, "puts up a lot of good music." A young lady with "great natural elocutionary talent" read an original poem, "The Old Court House Down." Country women expressed delight with the new building's specially planned ladies' suite. Local merchants furnished the ladies' lounge with rocking chairs, Brussels rugs, pictures, and lace curtains. Recent magazines were displayed on a table.⁷³

In his address, Judge John Bradford recounted the problems which members of the county court encountered during the planning and construction of the building:

While this criticism was frequently not only unfair but false, we went on and did the best we could and we hope we have pleased the people. If we have, we ask for no greater reward and on the other hand, if after having spent three years of most arduous work and worry, if your verdict should be one of disapproval our hearts would be heavy indeed—for these walls contain more than merely stone and mortar—they contain some of the very life fiber of the three men [i.e., the county judges] who were chiefly responsible for the big building which we are turning over to you here today.⁷⁴

One resident offered a thoughtful comment about the courthouse:

It is the one building in which all of the people of our County have an equal and a common interest. No other one is more symbolic of the

71. *University Missourian*, 7 May 1909, p. 1.

72. *Columbia Missouri Statesman*, 25 June 1909, pp. 1 and 8; *Columbia Missouri Herald*, 25 June 1909, pp. 1 and 4. These plans are well as the original plans for the 1906 building are now missing.

73. *Columbia Missouri Statesman*, 25 June 1909, pp. 1 and 11.

74. *Ibid.*, p. 1.

proceedings down to a parliamentary basis but with no success.⁶⁶

The enraged leader of the critics, General Odon Guitar, wrote and distributed a circular:

The county has to this date paid out to the “contractor” and “Architect,” \$38,977.15. For this expenditure the county has nothing on earth or under the earth to show. It had a “hole in the ground” but contractors have filled that up to avoid inspection of the inner side of the wall.⁶⁷

Guitar rebuked county officials, caustically condemning their management of affairs, and insisted upon the appointment of a local superintendent to see that the county was not defrauded. And he asked:

Will the “tax payers” and qualified voters of Boone county stand silently by, and see these outrages practiced upon them repeated; if they do, the blood of their sires has dried up in their veins.⁶⁸

“There is unrest among the people. They want somebody to look after their interests better in the future than they have [been looked after] in the past,” said the judge from Hallsville.⁶⁹ Demands for local surveillance led to the appointment of a local superintendent who attempted to oversee the project, but the contractor’s superintendent resented his presence, and they were reported at loggerheads.

The furor diminished slightly in time for the cornerstone ceremony during early September 1907. By then the contractor, J. A. McCarter, was hospitalized at the Baptist sanitarium in St. Louis and unable to attend. The Odd Fellows declined an invitation to march in the procession, and several dignitaries who had been asked to deliver brief speeches refused to do so. The Married Men’s League marching band led the around-the-block procession, which formed at the Masonic Hall, proceeded down Ninth Street to Broadway, went west to Eighth Street, and then turned north to the courthouse. County officials brought up the rear. The Masonic lodge conducted the ceremony.⁷⁰

66. *Ibid.*

67. *Columbia Missouri Herald*, 12 July 1907, p. 1.

68. *Columbia Missouri Statesman*, 5 July, p. 1, 19 July, p. 1, 1907; *Columbia Missouri Herald*, 12 July 1907, p. 1.

69. *Columbia Missouri Statesman*, 2 August, p. 1, 9 August, p. 1, 16 August, p. 1, 1907.

70. *Columbia Missouri Herald*, 6 September 1907, p. 1; *Columbia Missouri Statesman*, 30 August, p. 1, 6 September, p. 1, 1907. Contents of the cornerstone are itemized in Collection 10, Boone County, folder 3029, Western Historical Manuscripts Collection, University of Missouri, Columbia.

enterprise, the growth, the progressive spirit of our people.⁷⁵

And as the nineteenth turned to the twentieth century, E. W. Stephens philosophized:

A county is largely judged by its court house. It is usually the most conspicuous and is always its most frequented building. It not only represents the enterprise and public spirit of a people but stands for the protection of life and property and the enforcement of the law. . . . A court of justice should be an impressive place. An atmosphere of dignity should be about it, that everyone who enters it may feel a profound reverence for the majesty of the law. It is a place where men should stand uncovered and in silence . . . even the lowest criminal stands with respect and awe in a room whose every appointment is elevating and cleanly. . . . A temple of justice should have within and about it a sanctity akin to the temple of God. They should stand side by side.⁷⁶

Stephens recommended in 1900 that the eloquent and impressive quotation from their forefathers, “Oh! Justice . . .” be reinscribed over the portals of the new courthouse. He added that he hoped the temple of justice would prove worthy of the motto. Today the original tablet from the 1847 courthouse continues to remind Boone Countians of an inspired and noble dedication from the past (Fig. 9).⁷⁷

Attempt to Preserve the 1847 Courthouse

The 1847 courthouse and the site for the 1906 courthouse were far enough apart to allow work to begin on the new building while the old one continued in use. The disposition of the 1847 courthouse became a public issue. Ladies representing numerous local organizations called a mass meeting in May 1906, to consider the possibility of preserving the old courthouse building. Preservationists enthusiastically established their position at the well-attended public meeting. With only one dissenting vote, they adopted a resolution drafted by William F. Switzler:

Resolved. That although our present court house has outlived its usefulness for such a county as Boone, it is in the opinion of this meeting one of the best constructed buildings in the county and because of its architectural beauty and other

75. *Columbia Missouri Herald*, 7 August 1907, p. 2.

76. *Columbia Missouri Herald*, 16 November 1900, p. 5.

77. *Ibid.*, and Gentry, *Bench and Bar*, p. 282.

reasons is too valuable a building to be torn down and destroyed. Notwithstanding it was completed about 60 years ago it is one of the best preserved buildings in Boone County and can be easily and economically used for a number of valuable purposes of interest to the whole people and therefore this meeting enters its solemn protest against its destruction.⁷⁸

Several spirited citizens spoke and maintained that this vestige of the past should be preserved because of historic associations, its unique architecture, and remarkable state of preservation. They suggested possible adaptive uses which were economically feasible and easily accomplished. The building might become a town hall, library, museum, or an art gallery. Some emphasized that the architecture alone justified its preservation. And not to be overlooked was community sentiment.

One reporter likened the meeting in 1906 to the purposeful assemblages the old courthouse had witnessed. Political, in that it proposed a campaign to awaken public sentiment for the building; judicial and deliberative, considering arguments for and against the proposition, then rendering a verdict for preservation; religious and patriotic, preaching religion of sentiment and encouraging patriotic love of home and ancestry; social, for smaller groups of people remained after the meeting to discuss with approval the sentiments of the speakers; and, finally, it was inspiring, for “. . . it had naught of demagoguery or appeal to passion or prejudice, but was on the high plane of idealism.”⁷⁹

A dissenting voice came from a Cooper County student temporarily residing in Columbia. Fate thought to conceal him by naming him Smith, he remarked as he claimed the right to air his opinion “the same as other worthy gentlemen.” Robert M. Smith called the 1847 courthouse a dingy, dirty building that was covered with filth and tobacco juice. Its steps, he said, attracted throngs of loafers, it was in a poor location, and its architecture was worthless. Better to replace it with a flower bed, he suggested. E. W. Stephens favored preservation despite Smith’s “brilliant sarcasm.” He noted that those who had lived in Boone County for some time cherished the old building as a symbol of the past. It would be extravagance, iconoclasm, and vandalism to tear it down, Stephens said.⁸⁰

R. B. Price, Sr., a respected Columbia banker outlined some aesthetic and financial considerations in his plea for preservation:

This old courthouse is noted all over the State
for its classic style of architecture. It is better

78. *The Daily Herald*, 8 May 1906, p. 1.

79. *Ibid.*

80. *The Daily Herald*, 28 February, p. 1, 2 April, p. 1, 13 April, p. 15, 8 May, p. 1, 26 June, p. 1, 1906; *Columbia Missouri Statesman*, 4 May, p. 11, 11 May, p. 4, 1906.

today than the new courthouse. If it were torn down we would have to pay perhaps \$50,000 for a new city hall, the architecture of which would in all probability resemble that of the shoe factory.⁸¹

But Columbians had different opinions regarding disposition of the old courthouse. One who favored razing the building was L. T. Searcy, a former county clerk, who claimed that when canvassers solicited votes for the new building, it was clear that the old building was to be torn down. To leave it standing would "put them in a bad light," he believed. A physician, M. D. Lewis, said, "I'm not in favor of the old and antiquated Courthouse hiding our new and modern office . . . I don't think sentiment should allow a modern structure to be hidden behind the old courthouse." Lewis M. Switzler saw no good use to which the old building could be put and feared its corner steps would become a loafing place. Switzler advocated retaining the columns.⁸²

An editorial in the *Statesman* expressed doubt that Boone County would provide the funds that would be needed to maintain the building:

Much as the *Statesman* regrets to offend the artistic taste of the good men and women who are in favor of preserving the Old Court House, we are compelled to protest against such a procedure. In the first place the old building belongs to all the people of Boone County and we are very much afraid that the artistic temperament of the farmers who live around Hartsburg, Huntsdale, Rocheport, Sturgeon and Centralia is not sufficiently developed to see what use the county has for two courthouses.⁸³

Preservation of the 1847 courthouse could establish a dangerous precedent, *Statesman* editor William Hirth warned, since Columbia would probably require another new building in thirty to forty years, and protests would then be voiced about tearing down the one they were about to build. Hirth visualized a square littered with courthouses old and new by the end of the next century. He considered the proposition infinite in its embarrassing possibilities.⁸⁴

The controversy prompted one resident to say that voters approved construction of a new courthouse because they thought the old one unsanitary and as far behind the times as "the old grain cradle is behind the self binder." He advocated landscaping the area. George E. Kessler, landscape designer of the 1893 Kansas City park plan and the 1904 Louisiana Purchase Exposition in St. Louis, had recently created a landscape design for the University.

81. *University Missourian*, 7 December 1908, p. 3.

82. *Ibid.*

83. *Columbia Missouri Statesman*, 1 June 1906, p. 2.

84. *Ibid.*

Columbia officials sought his advice on a city plan. These developments increased local sensitivity to professional quality landscaping.⁸⁵

Those favoring demolition of the old courthouse pointed to signs of deterioration and expressed concern for the safety of the building's occupants. The *Statesman* recounted a recent incident:

It is fast showing signs of decay. Not long since a big lot [of] plastering fell while Judge Hinton was on the bench, holding court, and had it not been for his agility the brilliant lawyer would have seriously hurt.⁸⁶

Preservationists responded to questions about the structural soundness of the building by saying that the walls were free of cracks and safe, and the foundation was strong. They admitted, however, that the floors were unsanitary and weak.⁸⁷

The *Statesman* did not give a generous amount of space in its columns to the argument for preservation, but those who held this view must have had either strong popular support or prestigious leadership, judging by the exasperated tone of a *Statesman* commentary:

. . . as we have stated before, it occurs to us that their demand is utterly impractical. To begin with, it is rather strange that Columbians, who for years expressed the greatest mortification and chagrin over the old building, should now champion it so vigorously. It strikes us that this "architectural beauty" business is a thing of very recent discovery.⁸⁸

Taxpayers had voted to invest \$100,000 in a new courthouse, a goodly sum, the *Statesman* noted, and to destroy the view and beauty of such a structure by allowing the old building to remain standing would show poor judgment. Architect Felt supported this argument, saying that the old courthouse would detract from his creation and perhaps "mar the beauty."⁸⁹

Opinions came from as far as Buffalo, New York, and as early as 1900. A former Boone Countian wrote that if the 1847 building were in Boston, Philadelphia, or Richmond, it would be carefully guarded as an architectural and historic treasure.⁹⁰ William F. Switzler likened it to Boston's Faneuil Hall and suggested naming it Jewell Hall.⁹¹ Such loftiness was rejected by one who questioned:

85. *Columbia Missouri Statesman*, 8 June 1906, p. 9; *The Daily Herald*, 5 June 1906, p. 1; *University Missourian*, 26 April 1921, p. 1.

86. *Columbia Missouri Statesman*, 3 August 1906, p. 1.

87. *University Missourian*, 7 December 1908, p. 3.

88. *Columbia Missouri Statesman*, 22 June 1906, p. 2.

89. *Columbia Missouri Statesman*, 24 August 1906, p. 5.

90. *Columbia Missouri Herald*, 7 September 1900, p. 1.

91. *The Daily Herald*, 8 May 1906, p. 1.

Hasn't the county got its moneys [sic] worth? Should a paltry sum as the old trap represents stand in the way of progressiveness in one of the richest counties in the great state of Missouri? Historical sentiment has been carried too far. While I think that due reverence should be given to the past and its monuments I also believe that we should distinguish between local and national relics and hesitate before we compare our old courthouse with such national buildings as Old South Church, Independence Hall, etc.⁹²

An editorial in the *Herald* sensed the outcome:

The old building is out of date, it is, for the purpose of a courthouse, useless as has been pointed out many times. If it stood anyplace else sentiment would stand a much better chance of success. Under existing circumstances, however, probably the best that can be hoped is that the movement which good women have undertaken for the preservation of the old courthouse will result in education toward larger interest along historical and sentimental lines and in the salvation of the old columns. The veriest dolt will have sentiment enough for that.⁹³

While the success of the drive to save the structure was in jeopardy, preservation of the columns seemed assured. They would serve not only as ornaments, but would also be of historic value. A *Columbia Daily Tribune* writer commented that “. . . the four old columns, covered with growing vines would sufficiently serve to commemorate the historical significance and past usefulness of the old building.”⁹⁴

The 1906 preservation attempt showed a pattern that has been repeated again and again in the twentieth century. Women initiated the project and convened the meeting, but then quickly turned the leadership over to men who were respected community leaders. Mass meetings provided the setting for eloquent, emotional arguments, pro and con. But proponents of preservation, then as now, are seldom involved as decision makers.

Boone County's 1847 Greek Revival courthouse was ordered sold and moved. Contractor J. A. McCarter offered to buy it in order to obtain the immediate use of its materials. However, this would have necessitated moving county offices to new quarters. J. T. Fyfer guaranteed a bid of \$1,750,

92. *Columbia Daily Tribune*, 14 May 1906, p. 2.

93. *The Daily Herald*, 28 July 1906, p. 2.

94. *Columbia Daily Tribune*, 14 May 1906, p. 2.

and assured the court it could continue in use until the new building was ready for occupancy.⁹⁵

The *Statesman* offered a final tribute in June 1909.

The old steps of native stone, worn hollow in the center, by the tread of many feet, are still firm in their places, a silent witness to the craft of the hands, long since gone into mold, which squared and plumbed and placed them there. The portico and broad doorway belong to that quaint old architecture which though severe in its plainness, at least suggests comfort, and in memory as one turns the dusty pages of a history almost forgotten, the old portico seems thronged with the phantom figures of the stern judge, the grave lawyer, and the sullen or pleading criminal of the faded past.⁹⁶

The columns were left in their original position, facing columns of the University. Today they stand as reminders of an important chapter in the history of Boone County.⁹⁷

95. *The Daily Herald*, 18 August 1906, p. 1; *Columbia Missourian*, 7 September 1906, p. 1; *Columbia Missouri Statesman*, 21 September 1906, p. 5; *University Missourian*, 29 April 1909, p. 1.

96. *Columbia Missouri Statesman*, 18 June 1909, p. 1.

97. The decision to place lights on top of each column was made in 1910. Architect Felt designed the lights and the city donated the electricity. *University Missourian*, 14 July 1910, p. 1; 8 February 1911, p. 1. After being out of service for many years, the lights were restored in 1978.

Epilogue

Boone County's 1900 population of 28,642 had almost doubled by 1960, and it continued to grow in the following decade. A severe space shortage in the courthouse led the court on several occasions to consider alternatives. Plans proposed in the 1960s for enlarging the facility never materialized.⁹⁸ In 1972 city and county governments jointly purchased the Daniel Boone Hotel, one block south of the courthouse. The convenient location and spacious accommodations protected the courthouse from major alteration. After the hotel had been extensively remodeled, many city and county offices moved to the new quarters in 1977. Judicial proceedings continue to be conducted in the courthouse.

Preservation of today's Boone County courthouse seems assured. If it continues to be adequately maintained and if its architectural integrity is preserved during anticipated minor remodeling, it will undoubtedly receive official recognition as a fine example of a functional, historical monument and a rare example of a Missouri courthouse in the turn-of-the-century Neo-Classical Revival style.

98. The preliminary design report from the Kansas City firm of Marshall and Brown proposed three-story wings extending on the east and west. Another suggestion, illustrated on a single-page flyer with neither author nor source identified, called for replicating the 1847 building on its original southeast site and connecting it with the 1906 courthouse. Anticipating future growth, the same author proposed an identical arrangement for the southwest corner thirty or forty years hence. Copies of both plans may be seen at the State Historical Society.

Appendix A

The “Oh, Justice! . . .” Inscription

This quotation, inscribed on a plaque in Boone County’s courthouse, originally hung above the door of the 1847 Boone County Courthouse. It has been widely quoted and often is attributed to Dr. William Jewell, a prominent central Missouri citizen of the nineteenth century and superintendent of the 1847 building. Lawyer-writer North Todd Gentry (1866-1944) dedicated his book *Bench and Bar of Boone County*, published in 1916, to lawyers and county officials whose love of justice and patriotism was such as to “inspire Dr. William Jewell . . . to write the inscription over the front door of the old courthouse.” Gentry also suggested the attribution when he participated in a cornerstone ceremony in St. Louis during 1928. At that time he said, “. . . on a stone slab over the front door Dr. Jewell had inscribed these words. . . .” In an address delivered at William Jewell College on 6 December 1932, Gentry said Dr. Jewell was generally believed to be the author.

Walter Ridgeway, a journalist who served as editor of several Missouri newspapers and was business manager of the *Columbia Daily Herald*, claimed Gentry set a date of 1824 for the inscription, but there is no other evidence to substantiate either the date or Gentry’s attribution. *Missouri Historical Review*, vol. XXI, October 1926, pp. 114-116.

E. W. Stephens (1849-1931), a Columbia journalist and publisher, credited Jewell with the motto in 1923 at a centennial address for the First Baptist Church in Columbia: “He superintended the building . . . and inscribed upon it the words, ‘Oh! Justice’” “Centennial of First Baptist Church.” Address delivered November 1923, p. 7. In 1900 Stephens recommended that the “eloquent and impressive motto of our forefathers” be reinscribed over the portals of the anticipated courthouse. *Columbia Missouri Herald*, 16 November 1900, p. 5.

The inscription appeared in Denver, Colorado, on the *Denver Post* building in 1892 when the *Post* was founded, apparently carried westward by Frederick G. Bonfils. *Denver Post*, 29 November 1953, n.p.; *Missouri Historical Review*, vol. XLVII, no. 3, April 1954, pp. 318-19; *Kansas City Star*, 3 June 1956, p. 20A.

A reporter for the *Columbia Daily Tribune* brought to light the earliest and most reliable evidence from a letter to the *Tribune* by a respected historian and newspaper editor, William F. Switzler (1819-1906), who wrote “. . . the following motto of which Dr. William Jewell is the author, ‘Oh! Justice. . . .’” *Columbia Daily Tribune*, 19 April 1956, p. 1, originally published 26 April 1906, p. 1. The same information was also printed in the weekly *Columbia Missouri Herald*, 4 May 1906, p. 1.

Appendix B

John Henry Felt

Felt came from Greenfield, Indiana, where he worked in a planing mill for several years while he educated himself in the study of architecture. He moved to St. Joseph, Missouri in 1898, where he began his practice and in 1906 he opened a Kansas City office which continued in practice into the 1930s. Hoye's Kansas City Directory identified several different architects associated with his firm through these years: D. B. Foster, William Mallis, H. H. Dunham, Arthur Kriehn, and Julia Green. Many churches and schools in Missouri, Kansas, Oklahoma, Nebraska, and Iowa were designed by him. Among his churches in Kansas City were the First Baptist, Wornall Baptist, Roanoke Presbyterian, Roanoke Baptist; schools include buildings at William Jewell, Tarkio College, College of Emporia, Northwest Normal at Maryville, and the state school at Marshall. Perhaps the court was familiar with a monthly magazine *Modern Architecture*, which Felt began publishing in 1904, to improve the public taste on the quality of architecture and architectural service. Chris. L. Rutt, ed., *History of Buchanan County and the City of St. Joseph* (Chicago, 1904), pp. 507-08; *Columbia Missouri Statesman*, 11 January 1907, p. 1; *Kansas City Star*, 2 November 1938.

About the Author

Marian M. Ohman received a bachelor's degree in sociology and a master's and doctorate in art history from the University of Missouri-Columbia. Since 1973 she has been with the University of Missouri-Columbia Extension Division as Program Coordinator-Humanities.

Selected List of References

As a young reporter, Edwin W. Stephens (1849-1931) interviewed early settlers of Boone County during 1868-69 then wrote on the history of Columbia and Boone County up to 1860. The *Columbia Statesman* published the series of articles during 1869. This information provided documentary material for two subsequent publications which have become standard references: Stephens' article, "History of Boone County," appeared in the *Illustrated Historical Atlas of Boone County*, published in 1875 by Edwards Brothers in Philadelphia; and William F. Switzler's *History of Boone County*, first published in 1882 and reprinted by Ramfre Press in 1970. Switzler (1819-1906), an attorney, and important figure in early Columbia, served as founding editor of the *Missouri Statesman*.

Later in Stephens' journalistic career, he became editor of the *Columbia Missouri Herald* and was a founder of the State Historical Society of Missouri which the Missouri Press Association organized in 1898. The *Columbia Daily Tribune* reprinted his 1869 series during 1914 and the State Historical Society compiled the 106 articles in loose leaf form for their library.

The State Historical Society contains an extraordinary collection of historical newspapers, the largest collection of state newspapers in the United States. The *Missouri Statesman* and *Columbia Missouri Herald* provide a remarkable, colorful, portrait of the late nineteenth and early twentieth centuries in Columbia. Opposing editorial positions contain excellent comparative views. Sometimes these newspapers provide the only record of reminiscences of early settlers. They also served as a forum where the public could express personal, and often sensitive, opinions about contemporary issues.

Boone County Court records provide factual evidence regarding court action, but rarely express the excitement, pride, or controversy contained in newspaper accounts.

North Todd Gentry gathered important and sometimes rare information about early courts in *Bench and Bar of Boone County*, privately published by the author in 1916. Some of Gentry's recorded speeches delivered at special occasions give personal, as well as family recollections, about prominent Missourians.

Two recent books contain interesting material on Boone County history: Paulina Ann Batterson, *The First Forty Years*, published by the Columbia Chamber of Commerce in 1965; and *A Boone County Album 1820-1871*, edited by James Darrough and published by the Columbia/Boone County Sesquicentennial Commission during 1971.

Between 1972-75 John C. Crighton contributed to local history with a series of 140 articles relating to Columbia and Boone County. The *Columbia Daily Tribune* published the material and the State Historical Society includes the collection in their library.

