

Offbeat Oregon: Klamath County's courthouse squabble

By Finn JD John
For The Sentinel

Back in the early years of the Beaver State, the location of the county courthouse was a very big deal. There are stories of residents of one town stealing the county records from another in the dark of night in the struggle to be named County Seat.

But nowhere was the struggle for county supremacy more heated — and expensive! — than in Klamath County.

Klamath County, in 1906, was exploding. The U.S. Bureau of the Interior had finished a dams-and-irrigation project that had turned thousands of acres of rugged rangeland into a lush, productive agrarian empire just as the railroad had arrived; sawmills were being built; and the population of the town, which stood at 447 in 1900, had quintupled in population just five years later.

The old county courthouse, built in 1888, was clearly inadequate. Naturally, the county commissioners were thinking about replacing it with a new building — one that would be appropriately grand and stately for a community that was in a fair way to take its place as one of Oregon's most important centers of commerce.

And that's when one of the local real-estate developers made an offer that the county couldn't resist: A full five-acre lot, donated to the city for construction of a county courthouse — in the up-and-coming subdivision of Hot Springs.

Naturally, the county commissioners took them up on this generous offer, and started making plans for a \$150,000 courthouse in the architectural style of the Greek Parthenon.

But to the businessmen of Klamath Falls, this was a disaster. Although Hot Springs isn't far from downtown Klamath Falls — just across Highway 97 from downtown — in 1906 it was some distance away, and well outside city limits. Instantly suspicions were aroused ... was the developer planning to get the courthouse built and the county seat moved there, and then incorporate Hot Springs separate from Klamath Falls?

Just like that, Hot Springs would be the county seat, and Klamath Falls would be just another town. That simply could not be allowed to happen.

A special election was held. But, despite the businessmen's

best efforts, voters — who cared a lot less about the fortunes of downtown plutocrats than they did about the lower tax bill the Hot Springs site represented — picked the out-of-town option by a substantial majority. The businessmen got a court to issue an injunction against construction; the Oregon Supreme Court struck it down.

By the time all this wrangling was finished, it was 1912. The businessmen now passed a kitty, bought a piece of downtown property, and offered it to the county. The county passed, and awarded a contract for the construction of the Hot Springs courthouse. The businessmen launched a recall bid to kick the presiding county judge, William Worden, out of office. It failed.

By February 1914, the Hot Springs courthouse was mostly built. The die seemed cast. But then Judge Worden made a stupid mistake, and everything changed.

A new amendment to the state constitution had extended the terms of service of county judges from four to six years. Worden, foolishly assuming that the change meant he got a two-year extension of his term, didn't submit his paperwork and wasn't on the 1914 ballot; but another local lawyer, Marion Hanks, was. Hanks was elected.

Worden clung to the fantasy of his term having been extended. So now Klamath County had two county judges — and three courthouses in various stages of construction. The Oregon Supreme Court had to step in again to officially remind Worden that he had been elected for a four-year term, not a six-. The change in the law applied to future elections, not past ones. Hanks was the county judge now.

By this time, the Hot Springs courthouse was almost done. It had cost \$112,000 — worth \$3.1 million in 2018 currency — and was about \$50,000 away from being ready to open for business. That was a lot of money for a county with only 10,000 or so residents to cough up; but Klamath County residents were building for the future, and really looking forward to having a decent courthouse, and after all, it was nearly done.

Then — the trap sprang. Judge Hanks, it turned out, had been the businessmen's agent all along. Moving as swiftly and stealthily as possible, he now officially accepted the donated downtown plot and awarded a \$133,775 contract to J.M. Dougan Construction of Portland to build a courthouse on it.

Voters were enraged at this flagrant waste of their tax money. If Hanks had simply seized \$100 (\$2,800 in 2018 money)

from every Klamath County family and lit it on fire, the result would have been about the same.

Another recall effort was launched, and this one was successful; Hanks was out on his ear a few months later. But he'd accomplished what he'd set out to do: Irrevocably committed the county to construction of a courthouse downtown, whether the voters liked it or not.

Of course, in the process he'd wasted 120 grand in taxpayer money, but you can't steal an omelet without breaking any eggs, right?

He was replaced with judge Robert Bunnell — who, it soon became clear, had fallen in love with the grandeur of the Parthenon-style Hot Springs building. Immediately Bunnell set to work refocusing the county on the task of getting that finished so he could move in.

But the cat was out of the bag. Dougan had been paid a \$41,548 advance and was already pushing dirt around on the downtown site. And he absolutely refused to stop. Despite the county's increasingly desperate efforts, he carried on with the project as if nothing were happening.

Why would he do otherwise? He had a legally binding, non-cancelable contract to build it.

Of course, he burned through the 41 stacks fairly quickly. Luckily, city boosters were happy to loan him the funds to keep going, knowing he would collect it from the county with a lawsuit later. The county was stuck: it was going to have two new courthouses, whether its citizens liked the idea of paying for them or not.

The county tried selling the land out from under Dougan. This had the unintended consequence of bringing the whole sorry spectacle to the attention of judge F.N. Calkins at the circuit court in Medford. Calkins promptly issued an injunction preventing the sale — and another one stopping all work on the Hot Springs courthouse.

Dougan finished the downtown courthouse in 1919, and the county, of course, refused to pay for it. Dougan, of course, sued; and in 1920 the Oregon Supreme Court (which was surely a bit tired of being dragged into Klamath County's drama by this time) declared Dougan's courthouse the official county courthouse and ordered the county to pay its bill. So Dougan got his money, and, one assumes, shook the dust of Klamath Falls from his feet as he left.

At this point, it was check-mate. But like a bad chess player who insists on going on to the bitter end, Judge Bunnell stubbornly moved forward

with plans to finish the Hot Springs courthouse.

The county approved the final plans and budgeted \$50,000 to implement them. Angry taxpayers, who were for some reason averse to the idea of lighting another giant pile of tax money on fire, got on the phone to Judge Calkins in Medford, and out came another injunction blocking the plan to spend any more money on duplicate courthouse facilities.

The county then moved to sell the brand-new courthouse and use the proceeds to finish Hot Springs. Calkins — finally overstepping his bounds a bit — issued yet another injunction to block that scheme.

Then the county made another bad mistake. Perhaps thinking it could move to the Hot Springs building one department at a time, the county budgeted \$15,000 to get the Hot Springs courthouse jail ready, to relieve the overcrowding in the basement of the old 1888 courthouse.

Well, that plan went over with a dull thud in the Hot Springs neighborhood. The development company that had given the city the land had given it to be used as a courthouse. Now it appeared the city was going to use it for a jailhouse.

Many people liked the idea of living in a neighborhood with a courthouse, but nobody wanted to be next door to the drunk tank on Saturday night. So the developer exercised his option to get the land back if the courthouse wasn't built on it.

The county now sued the developer to prevent this. Naturally, the minute it appeared before a judge, it was toast — a deal was a deal; but the county, game to the last, appealed it all the way to the state Supreme Court for a fourth and final time.

The Supreme Court, to no one's surprise, said no.

That was in September 1923. The struggle had dragged on for 17 years.

The county now finally and grudgingly moved into the Dougan building downtown, and the Parthenon courthouse escheated back to the developer. Naturally, there were not many possible uses for a half-built courthouse; so the developer, in 1927, demolished it to make room for other buildings. Historian David Braly reports it took a whole month to do the job, and half a ton of dynamite.

The downtown courthouse served Klamath County faithfully and well until the twin earthquakes of 1993, which split the building in half and inflicted irreparable structural damage.

It was demolished and replaced with the modern courthouse that's there today.

(Sources: "Too Many Courthouses," an article by David Braly in *Little Known Tales from Oregon History Vol. II*, a book edited by Geoff Hill and published in 1991 by Sun Publishing of Bend; "25 Years After the Big One," an article by Kurt Liedtke published in the 20 Sep 2018 issue of the *Klamath Falls Herald and News*; and "Klamath County Library History," a transcript of a presentation given by Ann DuPont at the 2005 Centennial Celebration at the Klamath County Library Service District, klamathlibrary.org)

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