



Courtesy Wharton County Historical Museum

The Wharton County Courthouse as it was: Eugene T. Heiner's 1889 Victorian building.

SAVING THE COURTHOUSE

IN WHARTON, A DRIVE TO PRESERVE ONE HISTORIC COURTHOUSE HAS REVEALED ANOTHER

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The Wharton County Courthouse as it is: A recent photograph shows the Art Deco remodeling from 19

BY BARRIE SCARDINO

According to the quote by George Santayana, those who cannot remember the past are condemned to repeat it. But over the last year, a group of preservationists in Wharton County have discovered what may be a corollary to that famous notion: Sometimes, if they're lucky, those who fail to remember the past don't repeat it, they're just surprised by it.

The surprise in this case came as a result of the Wharton County Courthouse, which like so many courthouses in so many small towns in Texas is the focal point of the town square. Over the last century and a half, four courthouses have stood in Wharton's square: an 1848 clapboard original, an 1851 brick building, an 1889 Victorian, and a 1935 Art Deco. The one that survives in the memory of most who live in Wharton is the Art Deco courthouse, and it is this building that for the last decade a small but dedicated group of citizens has been struggling to save from destruction. Then in late 1998, just as the struggle seemed to be entering a period of doldrum, a discovery was made: Hidden under the skin of one historic courthouse was another, an even more valuable piece of architectural history. And with that discovery the story of the Wharton County Courthouse, which had seemed to be just one more tale of preservationists versus the wrecking ball, became something else — a reminder that when seeking the past, it sometimes pays to look beneath the surface of things.

It was in 1888 that the accomplished Houston architect Eugene T. Heiner was commissioned to design a replacement for the aging 1851 courthouse in Wharton, Texas. The residents of Wharton County were not eager to foot the bill for a new courthouse, but the county judge at the time, W. J. Croom, didn't necessarily believe that the taxpayers should have the final word. To force the issue, the county sold courthouse bonds to fund the new building. Wharton's citizens were so mad about this that they took out an injunction to block construction. The judge found out about the injunction, and before it could be served he climbed in the attic of the old courthouse with an ax in his hands and began chopping away. When the hole he was carving in the roof was sufficiently large, he declared the building dangerous and ordered its demolition, clearing the way for a new courthouse. Ultimately,

things got to the point that the Texas Rangers had to be called in and martial law declared. Eventually, a compromise was reached: the citizens allowed the building to be constructed and the county found a way to finance it without raising property taxes.

That was the first, and most dramatic, battle over what would sit in Wharton's courthouse square, but it was not the last. On this occasion, at least, the results were felicitous. Heiner, who received more commissions for public buildings than any other architect in Texas during the final decades of the 19th century [see "Temples of Justice," page 42], gave Wharton a fine Victorian monument. He designed a French-influenced Second Empire style red brick building with mansard

roofs, limestone trim, and a prominent clock tower. This handsome structure served Wharton County well for nearly 40 years. But like its 1851 predecessor, its architecture grew to be viewed as old fashioned, and its interior spaces proved too limited to meet the needs of a growing community. In the mid-1930s, as the effects of the Great Depression began to wane, Wharton started making plans for a more modern building, one with the room needed for new county offices. But rather than tear the old building down, the county decided instead to renovate it. The mansard roof and clock tower were removed, the building was refaced in a fashionable Art Deco costume, and one-story additions were made on the north and south sides. With the additions and the new façade, the Wharton County Courthouse could easily have passed for a brand new building.

That all happened in 1935; in 1949, the east and west sides of the courthouse were also given one-story additions, creating an Art Deco donut around the original

structure. On the interior the most dramatic changes included removal of the original staircase and construction of an intermediate floor level in the double-height courtroom.

Wharton's most famous hometown boy, Horton Foote, mentions the Wharton County Courthouse on and off throughout his recent autobiography, *Farewell: A Memoir of a Texas Childhood*. Born in 1916, Foote recalls grand social events held at the Victorian courthouse in the early part of the last century, and he also relates gossip that surrounded the "new" Art Deco courthouse.

"The Texas Gulf Sulphur Company had only recently discovered sulphur in our county, and there was much discussion about this giant operation

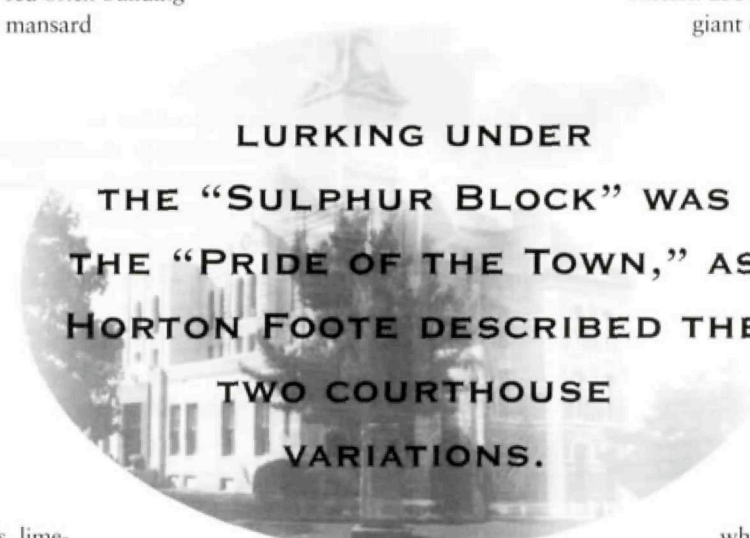
one. Though the courthouse continued to deteriorate, it didn't do so quickly. By the mid-1970s some in Wharton were tired of waiting and felt that the time had come to demolish the building and construct something more modern. Voters, however, defeated a 1979 bond issue that would have funded a new courthouse. Responsible for this defeat was a curious coalition of fiscal conservatives who opposed additional taxes and a handful of preservation advocates who wanted to save the Art Deco building.

The county commissioners, slightly more patient than old Judge Croom, chose not to head to the attic with wrecking equipment. Instead, they decided to keep repairs to a minimum and wait for another opportunity to get rid of the courthouse.

The man given the responsibility for making what repairs were allowed was contractor David Bucek Sr., who is about the same age as the Art Deco version of the Wharton County Courthouse. A person who understands buildings and respects good construction, Bucek argued that the old building was not as decrepit as had been claimed, and could and should be restored. The powers-that-be disagreed, and in 1990 commissioned structural investigations to disprove Bucek's claim that the building was stable.

The experts hired to produce the 1990 studies specialized in civil engineering and had never worked on a historic building. Their report not only claimed that the courthouse was in bad shape, but also, based on the 1935 Art Deco appearance, denied that it had any historic value. According to standards of the National Register of Historic Places and the Texas Historical Commission, though, they were wrong. The Art Deco building was indeed historic. It more than met the half century age requirement and was a nice example of its style, with streamlined details on the interior and exterior.

In 1991, architect Kim Williams, in a feasibility study based on the engineering reports from the previous year, concluded that demolition and new construction was probably the best choice for the county. The plan was to get rid of the courthouse and a quarter of the historic buildings on the courthouse square and build a larger building. Kim Williams had suggested in his 1991 report that if funds could be borrowed through a legal certificate of obligation, then it wouldn't be necessary to get the approval of voters in order to build a new courthouse. This seemed the least controversial way to raise the \$6.8 million



**LURKING UNDER
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HORTON FOOTE DESCRIBED THE
TWO COURTHOUSE
VARIATIONS.**

whose roots were in hated Wall Street," Foote writes.

"Sometimes the arguments got personal and vicious, accusing the sulphur company of paying the county judge and certain county commissioners for tax favors. The haters of the sulphur company, mainly the old-timers, blamed them when the brick courthouse, the pride of the town, had its steeple removed, and its bricks covered over with yellow cement, making it look, they said, like a block of sulphur."¹

In 1955, an engineering report by Walter P. Moore revealed that the Art Deco building had more than just appearance problems. There were structural ones as well. Moore's report said that the 1935 and 1949 additions had serious defects, but the estimated cost of repairs was so high that nothing was done about it. Whether this was watchful waiting or benign neglect is hard to determine, but some longtime Wharton residents remember the consensus of opinion was to let the courthouse fall apart so that a new one could be built.

If that was the plan, it was a gradual



The west side of Wharton's courthouse square.

needed for a new courthouse.

By law, though, anyone opposing this maneuver had ten days to gather signatures of 5 percent of registered voters to veto it. To the surprise of many, local preservationists pulled together 7 percent of Wharton's registered voters in under a week, killing the chances to obtain a certificate of obligation. Despite this failure, the commissioners continued their efforts to arrange the courthouse's demise, appointing a carefully selected 21-member citizens committee to study the 1991 findings and recommend action. On February 25, 1992, that committee voted to replace the courthouse, a decision that no doubt pleased the commissioners.

The only dissenting vote was cast by the committee's vice-chair, Lynn Ramsey. Ramsey was friends with the Bucek family, and in Bucek Sr.'s son, David C. Bucek Jr., she found an important ally. Following in his father's footsteps, Bucek Jr. devoted himself to the Wharton County Courthouse. Bucek Jr., who received a master's in architecture from Harvard in 1992, the same year that the evolution of the Wharton Courthouse saga turned into a revolution, admits to a certain amount of naiveté at the time. Still, he studied the engineering reports and could find no evidence that the courthouse was unsafe or unsound. As a volunteer, he helped the Wharton Beautification Commission create plans that explored alternative uses for the courthouse. Despite the fact that the citizens committee had voted to replace the building, the renovation proposals developed by the WBC, along with the failure to obtain a certificate of obligation, led to no action being taken. It was a stalemate.

Most of the leaders of what Bucek Jr. calls the "1992 Campaign" had come together in the late 1980s to work for economic development with Wharton's Main Street Program, a state-wide preservation

project of the Texas Historical Commission to rejuvenate the central business districts of small towns by providing preservation expertise.² When funding for this initiative ended, its supporters turned to restoration of the Art Deco courthouse, more because they felt it could enhance tourism and boost the local economy than for any emotional or aesthetic reasons.

Shortly after the petition drive scored its victory, the Texas Historical Commission entered the fray supporting the notion of restoring the courthouse. The Texas Historical Commission solicited the opinion of architect Michael Gaertner, who had experience working on historic buildings in Galveston. In a May 4, 1992, letter to the THC, Gaertner was unequivocal in his opinion that the Art Deco courthouse be restored. "I do not really believe that the controversy is about money. Instead, the real issue is character: what kind of place is this county and what kind of place could it be?" Gaertner wrote, adding that "once the historic courthouse is gone, it is gone forever. Like any landmark, it holds a cherished place in the hearts of the people who have been affected by it.... They may not appreciate the courthouse now, but they will sorely miss it when it is gone."

Gaertner recommended that the county hire a preservation planning consultant to evaluate both the county's proposals and the preservationists' schemes for restoration. The only things on which both sides agreed was that the county's need for additional space was real, and that the one-story additions were problematic.

Given that the county was not about to hire another consultant, particularly one sympathetic to preservation, the local Beautification Committee, led by Billy Winkles, raised money to commission

another engineering report, this time from someone qualified to comment on historic structures. Significantly, this money came not from grants or local businesses, but instead from a large number of small donors, indicating that there was growing grass roots support for restoring the Art Deco courthouse.

The preservationists, moving at a rapid pace to match the county's swift actions, hired Per K. Schneider, P.E. before the spring of 1992 was out.³ Schneider's firm had acted as consulting engineers on the Alamo, the San Antonio missions, San Fernando Cathedral, several projects in Galveston, including the Moody Mansion, and historic courthouse projects in counties such as Bowie and Hays. Everyone knew that whatever Schneider said would be hard to discredit. His charge was to conduct a thorough structural engineering investigation of the Wharton County Courthouse.

The Schneider Report, dated August 1, 1992, made one extremely significant point: "First, the building, as a whole, is not structurally unsafe ... rumors saying this building is structurally unsound should be ignored, as they have no engineering basis." In his conclusion, Schneider said the original courthouse structure was "in excellent condition and requires no work other than repointing of cracks," but that the additions "have suffered considerable differential movement." Short of demolition of the additions, he said, only "underpinning and stabilization of the underlying soils" could stabilize them.

The Schneider Report seemed to quell the calls for demolition. But again, though the courthouse had escaped destruction, it wasn't really saved. Instead, it returned to a state of limbo. Everyone went home, leaving the courthouse alone for a time. But the need for more space for county offices and courtrooms did not disappear. Though discussion of what to do with the Art Deco courthouse had ceased, ideas for a new courthouse at another location continued. By 1998, a proposal for a new courthouse two blocks east of the old one was completed. However, the voters of Wharton County, by a 2-1 margin, continued to say no, defeating a bond issue to fund a new building.

County Judge Lawrence Naiser, who called the 1935 courthouse "Art Decoupage," believes that one reason taxpayers voted down a new building was the fact that there was only a vague plan

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TEMPLES OF JUSTICE

EUGENE HEINER
BROUGHT
VICTORIAN GRANDEUR
TO THE COURTHOUSE SQUARES
OF TEXAS

BY DAVID C. BUCEK JR.

The courthouse in Wharton County is only one of a multitude of public buildings that Eugene Thomas Heiner designed over a long and prolific career. In fact, during the latter part of the 19th century he was one of Texas' preeminent courthouse architects. At the same time, he was responsible for many of Houston's most important commercial structures. Despite this, Heiner is largely unknown to most Houstonians, recognizable only to those with a dedicated interest in the city's architectural past.

In the late 1800s, however, Heiner was a familiar figure across the state. Born in 1852 in New York, the son of German immigrants, he began his architectural training at the age of 13 as an apprentice to a Chicago architect. After completing studies in Berlin, he practiced briefly in Cook County, Illinois, then moved to Terre Haute, Indiana, where he worked as a draftsman for J. A. Vrydagh, an architect known for his schools and courthouses.

In 1873, Heiner achieved his first architectural success while assisting Vrydagh in a design competition for the main structures of the 1876 Philadelphia Centennial

Exhibition. Their entry was awarded \$1,000 in prize money, and in 1877 Heiner used his share of the funds to finance a move to Dallas and establish his own practice. In Dallas, he met his wife, Viola Isenhour; then in 1878 the couple moved to Houston, fertile ground for a young architect capable of giving the nascent city a sense of architectural respectability.¹ It was through Heiner that the Victorian style in American architecture reached Houston. When Heiner arrived in the city, both Houston and Texas were experiencing an economic boom. Conditions were ripe for new construction, and in 1881 the state enacted legislation allowing counties to issue bonds to build courthouses and jails. Like the Italian city-states of centuries earlier, neighboring counties tried to outshine each other by erecting the most opulent civic buildings that money could buy.

Heiner is best known for his contributions to this burgeoning collection of county courthouses and jails, drawing inspiration from the ideals of High Victorian culture. In those days, courthouses were highly esteemed structures that not only housed government offices, but also served as a focal point of community life, hosting events such as town meetings, talent shows, dances, and plays, as well as providing refuge during times of natural disaster. Victorian courthouses, termed "Temples of Justice" by Texas architectural historian Willard B. Robinson, became showcases for the latest in architecture, utilizing up-to-date technology to connect even the most remote county seats with high culture.

Heiner's early courthouse designs exhibited an eclectic reinterpretation of classical detailing, representative of the Italianate style, combined with Second Empire mansard roofs crowned with ornamental roof cresting. Consistent with American High Victorian architecture, he employed "constructive" ornamentation and attenuated vertical proportions, as if his buildings were being pulled skyward. Noteworthy examples of Heiner's early work are the Galveston County Courthouse (1880-81), a building damaged by fire that Heiner expanded and refaced, and the Polk County Courthouse in Livingston (1885). The Polk County Courthouse was constructed with stone walls and, most notably, mansard roofs accented with the truncated pyramidal roofs crowned with iron cresting that would become one of Heiner's trademarks.

One of Heiner's most impressive designs was for the Falls County

Courthouse in Marlin (1888), a well proportioned, classically detailed building surmounted with a large clock tower, something that fast became an essential feature of any self-respecting Texas courthouse. Heiner's standardized courthouse and jail specifications offered various choices of construction material in a range of prices, an important point in rural counties, where cost was often a sensitive issue with taxpayers. The most expensive choice was all stone construction; the moderately priced option was brick construction with limestone trim; and the least expensive choice was all brick construction.

These options were applied to three of Heiner's courthouses based on identical plans: the Runnels County Courthouse in Ballinger (1888-89), constructed of stone; the Wharton County Courthouse in Wharton (1888-89), made of brick with stone detailing; and the Walker County Courthouse in Huntsville (1888-89), built of brick. While these courthouses were almost identical in design, each appeared distinctive because of the differences in material. Though the least expensive, the Walker County Courthouse maintained Heiner's design intentions and remained an active courthouse until 1968, when it burned.²

Drawing on his training in Chicago and Germany, Heiner often employed polychromatic masonry, using contrasting stonework to emphasize stringcourses, pilasters, and capitals. This was most evident on the Brazos County Courthouse in Bryan (1892), which also employed Romanesque features popularized by Boston architect H. H. Richardson. Heiner's most pronounced Romanesque-style courthouse is the Lavaca County Courthouse in Hallettsville (1897-99), described at the time in *The Houston Daily Post* as being "one of the best arranged buildings in Texas." Constructed of Mills County gray limestone and sandstone from Mineral Wells, the courthouse was crowned with a 186-foot-tall clock tower built using steam-powered cranes. Today, that courthouse, one of the tallest in Texas, is the largest and best preserved example of Heiner's work.

Heiner used a "scientific" approach to jail design and came to be regarded as a pioneer in jail architecture. A central theme of his work was to maximize natural light and good ventilation. Heiner's first jail commission was for the Galveston County Jail (1878), which featured Philadelphia pressed brick, Austin limestone trim, and French mansard roofs. Houston was home

to two Heiner jails, the Harris County Jail (1880) and the Harris County Criminal Courthouse and Jail (1894-95). Heiner's Victorian jails in Houston, which also served as a home to the sheriff and his family, were outfitted with chandeliers and fine interiors. Heiner also worked on the rebuilding of the State Penitentiary in Huntsville following an 1899 fire that damaged the facility.

Heiner's travels while working on courthouses and jails brought him the opportunity to design other building types as well. In Galveston, he designed the Leon & H. Blum Building (1879), today known as the Tremont House Hotel, and the Kauffman & Runge Building (1882), now the Stewart Title Building. In Houston, all that remains of Heiner's work are the Sweeney and Coombs Building (1880), a recently restored structure that was the first home of a successful watch and jewelry store known today as Sweeney and Co. Jewelers; the Henry Brashear building (1882), home to Solero's and the Swank Lounge; the W.L. Foley Building near Market Square (1889), where James and Pat Foley, founders of Foley's department store, learned the dry goods trade; and the Houston Cotton Exchange and Board of Trade Building (1884).³ The Cotton Exchange Building, described as "Modern Renaissance" in style when it was built, was meant to draw a parallel between the affluent Houston businessmen of the 1880s and the wealthy Italian merchants of the Renaissance. This classically detailed building is among Houston's finest example of 19th-century architecture and features Philadelphia pressed brick trimmed with Austin limestone. Originally, the building was crowned with a large ornamental cotton bale made of hammered zinc above the main façade. During a 1907 remodeling, the main entrance was moved to a side bay and the original roof removed to add a fourth floor.

Heiner also designed public schools in Houston, Huntsville, Livingston, and Wharton. His design for Houston High School (1894-95) was his most impressive. The brick and stone building, designed in the Romanesque style, maintained many of the high Victorian features from his earlier work and was noted for providing natural light and ventilation in the hallways and classrooms. With a museum, library, and assembly hall, it accommodated 1,000 students and was at the time the largest school building of its type in the South.

Heiner designed as well a number of buildings for the Agricultural and



Falls County Courthouse, 1888. (Demolished.)



Henry Brashear Building at 910 Prairie, Houston, 1882.



Houston High School, 1894-95. (Demolished.)



Lavaca County Courthouse, 1897-99.



Houston Cotton Exchange and Board of Trade Building, 1884, seen in its original state.

Courtesy Houston Metropolitan Research Center, Houston Public Library

Mechanical College of Texas, now Texas A&M University. His works there included mechanical shops, dormitories, the Assembly Hall (1889), and the President's house (1891). His largest dormitory, Ross Hall (1891), known to more mature cadets as "Old Ross," was considered by Ernest Lanford, the campus historian, to be one of the most architecturally significant dormitories ever erected at A&M.

Though best known for his commercial designs, Heiner managed to develop a following as a designer of houses for Houston's upper class. His most notable commissions were the Charles S. House residence (1882) and the T. H. Scanlan residence (1891). The House residence, one of the many grand Victorian homes that once lined Main Street, was a towered villa with elaborate, yet well proportioned mansard roofs, roof cresting, and decorative molding. According to architectural historian Barrie Scardino, it was "probably Houston's best example of the American Victorian interpretation of the French Second Empire style."⁴ The House residence served as the first home of the Houston Art League, making it the city's first art museum and a forerunner of the Museum of Fine Arts, Houston. In 1919, the house was demolished by the Humble Oil & Refining Co. to build a gas station. As for the T. H. Scanlan house, all that remains of it today is the exterior fountain, which is on display in Sam Houston Park.

Heiner family descendants suggest that much of the architect's success was due to his ability to organize resources and people. He assembled teams of contractors, many of them skilled craftsman trained in Europe, who were willing to move to any part of the state to work on his buildings. One of Heiner's closest friends was the prominent Houston contractor A.T. Lucas, manufacturer of Lucas brick, made along the shores of Buffalo Bayou, which Heiner often specified. Lucas built many of Heiner's larger commissions, such as Houston High School, the Harris County Criminal Courthouse and Jail, the Houston Ice and Brewing Company plant (1893), and the Lavaca County Courthouse. Another development that Heiner made good use of was the ability to obtain man-

ufactured goods from the Midwest and the East Coast via the expanding rail lines.

During the late 1890s Heiner fell ill. In an attempt to recover, he spent time at a health resort in Marlin, home to one of his finest courthouses, but to no avail. He died April 26, 1901, and was laid to rest alongside his wife in Houston's Glenwood Cemetery, only a few blocks from the downtown street that still bears his name. Heiner's obituary described him as "a man of a bright and sunny temperament," one who "leaves behind more public buildings in Texas as monuments to his memory than any other architect in the state."

In the decades following Heiner's death, eclectic Victorian architecture lost its popularity, which may explain why Heiner himself faded from memory. Texas' Victorian courthouses, once prized for their decorated elegance, came to be viewed as old fashioned and obsolete. Most of Heiner's civic buildings were demolished or remodeled, faced with stucco and refitted with flat roofs and awkward additions. Of the 18 county courthouses designed by Heiner between 1881 and 1899, only seven remain standing.

Today, saving historic buildings has more popular acceptance, and as a result, many old buildings once written off are being revived. Appreciating historic architecture is not just about old bricks and mortar, but also about understanding the story of a building and those who created it. That has been particularly true in Wharton, where restoring the courthouse has meant restoring the memory of Eugene Heiner. It's a reminder that as long as a built legacy lasts, then a human legacy can last as well. ■

1. Viola was indirectly related to President Dwight D. Eisenhower. Her great-grandfather's brother was Eisenhower's great-great-grandfather.

2. The brick from that courthouse was used to build a house at 1907 River Oaks Boulevard subsequently owned by Bob Lainer, while other bricks were used to rebuild the piers and chimneys on one of General Sam Houston's historic houses.

3. The Sweeney and Coombs Building is at 310 Main; the Henry Brashear building at 910 Prairie; the Houston Cotton Exchange and Board of Trade Building at 202 Travis; and the W.L. Foley building at 214-218 Travis. The Sweeney and Coombs Building originally featured a large clock set into the round opening above the main entrance and an elaborate cornice similar to that of the Brashear Building.

4. Dorothy Knox Howe Houghton, Barrie M. Scardino, Sadie Gwin Blackburn, Katherine S. Howe, *Houston's Forgotten Heritage* (Rice University Press, 1991), p. 129.

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to repair the old one. Residents of Wharton County were not interested in spending money on a new courthouse if they would then have to turn around and pay additional money to fix up the old one. Preservationists in particular wanted to settle the issue of the old courthouse before considering a new one. They feared that if the county raised the money for a new courthouse, the historic one, in the end, might be demolished.

After the bond issue was defeated, local papers reported that the judge and commissioners seemed resigned to the fact that the Art Deco courthouse was going to stay and be repaired, if not fully restored. Once again, everyone went home. Except, that is, David Bucek Jr. He went to the library.

During the struggle to save the Wharton County Courthouse, the building that preservationists had been seeking to restore was the one from 1935. Though it was no secret that Eugene Heiner had designed the 1889 Wharton County Courthouse — Gaertner even mentioned Heiner's prominence in his 1992 report — the Heiner courthouse was not the one on preservationists' minds. Until Bucek Jr. began his research, few even remembered what the original building had looked like. That may have been one reason that the preservationist drive, while strong enough to keep the courthouse from being torn down, had not been enough to restore it. Though some admired the Art Deco design, which is not unlike that of the Harris County Courthouse in Houston, many in Wharton County could not see anything special about this building they had looked at all their lives. Though they were reluctant to destroy it, they weren't particularly driven to reclaim it.

That began to change as a result of Bucek Jr.'s work in the library. During December 1998 he began to document the original building and Heiner's prominence in Texas' architectural history. Bucek Jr. discovered that the renovation in 1935 hadn't destroyed the Heiner courthouse, but had only hidden it. It was still there to be uncovered.

Bucek Jr. found photographs collected by Heiner's granddaughter, Jane Marquess, an English teacher in Wharton, that are now in the Wharton County Historical Museum. As pictures of the original building surfaced, Bucek Jr.'s interest turned to enthusiasm. As he got increasingly positive

feedback from people who saw the pictures, his enthusiasm turned to obsession.

Armed with a bundle of documents and a suitcase full of slides, Bucek Jr. began going from luncheons to community centers to meetings all over Wharton County with his story of the Victorian building hidden beneath the Art Deco façade. Between his slide shows and a popular newspaper series, he was able to impart a sense of how Wharton County fits into the architectural history of Texas and how restoring the courthouse to its 1889 appearance might also restore the town's spirit.

The idea has captured the imagination of many who were not particularly interested in saving the Art Deco building. It has taken more than a year to untangle the web of who supports preserving which courthouse, and today most people in Wharton County could qualify as architectural historians with a solid understanding of the differences between Victorian style and Art Deco style. The Art Deco camp has been won over to the Victorian camp, and there is finally a bandwagon on which people seem to be jumping.

Larry Jackson, editor of the *Wharton Journal-Spectator*, is one who supports restoration of Heiner's Victorian original. "My office is directly across the street," Jackson says, "and I would like to be able to look at the Victorian building." He notes that Heiner's building and the *Journal-Spectator*, founded in 1888, have been together since their beginnings. "The newspaper has done its best to inform the public about the possibilities underneath that stucco," he says. "We are excited about restoration."

Another convert to the Victorian camp was the daughter of Clinton White, one of Wharton's leading citizens. The former Cynthia White is married to Frank Sinatra Jr., and on a visit to Wharton last year she happened upon a 1920s photograph of the Heiner courthouse that Bucek Jr. had distributed around the county. She took it home to show her father, who was amazed. Clinton White is a member of the board of the Texas Historical Commission, but he did not know that lurking under Wharton's "Sulphur Block" courthouse was the Victorian gem that Horton Foote had termed "the pride of the town." White's support and that of his son-in-law — who has offered to give a benefit concert to promote restoration — have given the preservationists a boost.

Another potential boost came when the state legislature last year allocated \$50 million for the restoration of Texas' historic

courthouses. It seemed that the time was ripe for Wharton County to finally save its piece of history. Wharton County officials joined the town's preservationists in applying for a grant of \$4 million. Before ruling on the application, the Texas Historical Commission asked that a courthouse committee be appointed to direct preservation activities. This committee serves under the Wharton County Historical Commission and is chaired by Barbara Young, who has become an important player in the drive to bring the Heiner courthouse back to its Victorian glory.⁴ Preservation consultants Herndon, Stauch & Associates were hired to prepare the master plan required in the grant application. Their report, submitted in January 2000, recommended the removal of the 1935 and 1949 additions, the restoration of the old courthouse, the construction of a new judicial center adjoining Wharton's present county jail, and the renovation of the abandoned 1938 jail for additional county offices.

Some in Wharton were disheartened when they learned that 73 other Texas counties had requested money for their courthouses. Then optimism rose when 20 applications were found ineligible, narrowing the field. Hopes were high that Wharton, given the age and endangered status of its courthouse, would be given priority. But Wharton turned out to not be among the 16 counties awarded their full grant requests. Still, Wharton was given \$250,000 to help with immediate preservation planning.

According to James Steeley, chief historian of the Texas Historical Commission, Wharton's application suffered because it wasn't clear exactly which historic courthouse — Art Deco or Victorian — was to be restored. Apparently, Herndon, Stauch & Associates' master plan had been prepared initially with an eye to restoring the Art Deco courthouse, which downplayed the importance of the original Heiner building. Mid-stream, as local consensus for taking the building back to its Victorian appearance grew, the report was amended. What resulted, according to Steeley, was a weak grant application. Documentation of the original building and what exactly remains of it was not produced, nor was there enough research to establish the building's historical significance.

But now, with the blessing of the Texas Historical Commission, Wharton officials plan to use their \$250,000 grant to help pay for architectural plans and specifications to restore the 1889 building. Commissioners court and the court-

house committee reviewed proposals from eight architectural firms⁵ and recommended the Houston architect Ray Bailey, whose firm has experience with preservation and restoration. The county signed a contract with Bailey on July 5, the resulting work of which should lead to a stronger and more focused grant application in the fall, when unsuccessful applicants will return to the state for allocation of a final \$7.5 million. The new application is being prepared by Barbara Young and her courthouse committee with the help of volunteers such as architectural historian Stephen Fox and Bucek Jr., who is documenting, with photographs and measurements, the physical presence of the 1889 Victorian building. Young, who is doing the lion's share of research, acknowledges that the competition for the \$7.5 million will be extremely stiff and that Wharton may not be able to get all the funding the town's residents would like. Still, says Young, "if we don't make it this year we are gathering enough information to reapply next year, when the legislature will surely allocate more money. This is a very popular program."

Ultimately, it appears that the Wharton County Courthouse will be saved. It may take more time, and will definitely take more energy, but the necessary interest seems at last to be there. And unlike in many historic preservation battles, it may well be that the one in Wharton will end up with everyone happy. Those who want history will have it. And because a restored Victorian courthouse will be different from what has stood in the Wharton square for 65 years, those who want something new will have that as well. In Wharton, preservation has turned out to mean something surprising — change. ■

1. Horton Foote. *Farewell: A Memoir of a Texas Childhood*. (New York: Scribner, 1999), p. 201.

2. Among those involved with the Main Street Program in Wharton were Billy Winkles, head of the Wharton Beautification Commission, Trish Winkles, Nina Baker, John Guy, Mary and Howard Patton, Geneva Viaclovski, Linda Nichols, Mildred Roddy, and Ruth Roddy. Important political support for preservation came from Mayor Garland Novosad and Precinct Commissioner Carl Nichols.

3. Killis P. Almond & Associates of San Antonio, a preservation consulting firm, worked with Schneider.

4. Other committee members are A.C. Shelton, the current president of the Wharton County Historical Commission, Larry Sitka, Clinton White, Ann Gleason, Guy Stovall, and Jeffrey Blair, head of Wharton's Beautification Committee and president of the Wharton Chamber of Commerce.

5. The firms considered were D.J. Stefano-Santo Perto (architects of the failed 1998 bond issue plans); Ray Bailey Architects, Inc.; D&W Architects; Burns, Fletcher, and Gill; 3/D International of San Antonio; Ford, Powell, and Carson, also of San Antonio; Brown, Reynolds, and Whatford; and Michael Gaetner of Galveston (who reviewed proposals in 1992).

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