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EARLY HISTORY

OF

HUNTSVILLE ALABAMA

1804 TO 1870

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With the Compliments
of the Author

REVISED 1916

MONTGOMERY, ALA.
THE BROWN PRINTING CO.
1916

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BY

EDWARD CHAMBERS BETTS

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FOREWORD

In the preparation of this work the author is largely indebted to the Department of Archives and History of Alabama, under the capable management of Dr. Thomas M. Owen, who contributed liberally of his time assisting in a search of the files and records of this Department. Especially is the author indebted for the aid received from the letters of Judge Thomas J. Taylor,* dealing with this subject.

In its inception this work was not intended for, nor is it offered as, a literary effort, but merely as a chronicle of historical facts and events dealing with Huntsville. In its preparation, the author has taken care to record nothing within its pages for which his authority as to the source of information is not given. It has value only as a documentary record of facts and events gleaned chiefly from contemporaneous sources, and is as accurate as could be made after verification from all material at hand, which was necessarily very meager.

This work is published with the hope that those who chance to read these pages will derive some benefit and as much pleasure therefrom as did the author in its preparation.

E. C. B.

*Probate Judge of Madison County from 1886 until his death, during his second term, in 1894.

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Chapter I.

HUNTSVILLE AND SURROUNDING TERRITORY

UNTIL March 3, 1817, Alabama was a part of the Mississippi Territory. Between the years 1795 and 1796 certain land companies purchased this territory from the state of Georgia. The Georgia Legislature granted title to these land companies for a comparatively nominal consideration—the major portion of which the Legislature itself received and withheld from the state.

Madison county was purchased by the Tennessee Land Company; nearly all of North Alabama being included in the grant from the Georgia Legislature.

The people of Georgia, upon being apprised of the grants made by the Legislature of 1795-96, rose with righteous indignation and had the action of that Legislature investigated, revealing what was known as the "Great Yazoo Fraud." This fraud was denominated the Yazoo fraud, for the reason that the Yazoo Land Company was the principal grantee of that Legislature. The succeeding Legislature revoked these grants and declared them null and void. Notwithstanding this, these land companies continued to sell the lands in the granted territory for one dollar an acre.

The state of Georgia was unable to force these land companies to relinquish their hold upon the territory, and in order to accomplish this end was forced to cede this territory to the General Government on April 24t4h, 1802. Wherever title to any of these lands had been acquired by private individuals, restitution was made by the Government.

In order that individuals might retain and perfect the title to their lands it was necessary for them to file their claims with the Government Land Office, at Nashville, Tennessee, before January 1, 1815. All parties not having done this were forced by United States troops to abandon the land.

Although the Mississippi Territory had been ceded to the Government in 1802, "Old Madison county" never came into possession of the Government till 1807, when it was ceded by both Cherokee and Chickasaw Indians. Both these Indian tribes claimed it as their hunting ground, but it was never inhabited by either.

The territory just referred to as "Old Madison county," is embraced in the present limits of Madison county, but was not quite so extensive.

Madison county is unique among the other original counties of the State, in that it is the only county ever to extend its boundaries, all of the other original counties having had to contract theirs to make room for the creation of new ones, as the growth of the State necessitated.

FIRST SETTLERS

As to who was the first white man to settle in Madison county is yet a mooted question, but circumstances lead to the belief that "Old Man Ditto" was living among the Indians as a trader at "Ditto's Landing," (Cherokee-Old-Fields or Whitesburg) some years before Huntsville was located.

That John Hunt was the first white man to build his hut on the banks of the "Big Spring," is historically settled. Hunt's cabin was situated on the slope of the bluff overlooking the spring, at the point which is now the southwest corner of the intersection of Bank street and Oak avenue, on the property occupied by the residence of Mr. Frank Murphy. Incidents and circumstances attending Hunt's journey to the Big Spring confirm the belief that there were white settlers in Madison county, north of Huntsville, before the arrival of Hunt.

Judge Taylor, in his letters dealing with early life in Madison county, tells us that Joseph and Isaac Criner, accompanied by Stephen McBroom, explored the northern part of the county in 1804[1] and built a hut on the banks of a stream, which is now known as Mountain Fork of Flint river. Isaac Criner was personally known to Judge Taylor, and in his letters he gives us Mr. Criner's narrative of the events of those early days in his own words. In substance Mr. Criner says: In the early part of 1805[2] he and Joseph, his brother, came to Mountain Fork and built a cabin[3] for Joseph's family, then one for himself. Shortly after the erection of these cabins, John Hunt

[1] and [2] These dates seem to conflict, and Judge Taylor does not explain them for us; however, it is very probable that the Criners with McBrooms explored the country and then returned to their homes for their families and supplies, before erecting cabins. This inference is supported by the fact that only the Criners were present when the houses were erected, and also in the first instance no mention is made of the presence of their families.

[3] Mr. Criner was under the impression that his brother Joseph's cabin was the first erected in the county.

and a man named Bean came to their cabins and spent the night, continuing their journey the next morning.

Hunt and Bean came from the north of what is now New Market, along a trail, which is now the Winchester, Tennessee, road. They had heard of the "Big Spring,"[4] and of the abundance of big game in its vicinity. In a few weeks Bean returned and stated that he was going back to what is now Bean creek, near Salem, Tennessee, but that Hunt was going to locate at the "Big Spring," and would return and bring his family later. Mr. Criner also tells us that in 1805 several families came into the county from north of New Market, along the same course traversed by Hunt; among whom were the Walkers, Davises, McBrooms and Reeses.

These early settlers got word back to their former friends and neighbors of the unusual fertility of the soil, the beauty of the country, and of the wonderful "Big Spring," and in 1806, large numbers of home-seekers began to come into the county from Middle and East Tennessee, and Georgia. These pioneers were of the types usually found on unsettled frontiers, "the advance guard of civilization," known as "squatters." They were a very thrifty lot, and at the Government land sales in 1809 many were able to buy the tracts upon which they had "squatted" and made their homes. As a whole they were an honest, law-abiding people, modest in their desires and customs, living peaceably without law or government for some years.

Between the years 1805 to 1809 wealthy and cultured slave owners came into the county in large numbers from North Carolina, Georgia and Virginia. Soon this class outnumbered the pioneers; these later settlers bought large tracts of land at the sales in 1809. In coming into the county, the settlers from North Carolina and Virginia moved along the then western boarder of civilized customs and cultivated lands into West Georgia and Middle Tennessee, till they reached the Tennessee river, which they crossed near the Georgia line.

LIFE OF EARLY SETTLERS

The life of these pioneers was very primitive; they drew solely on the resources of the surrounding wilderness for their necessities and comforts. Their houses seldom had a piece

[4] The Huntsville Spring was known of the Indians as the "Big Spring," and was thus denominated by them.

of iron about them. The floors were of dirt, and in rare instances this was covered with puncheon. Even the hinges of their doors were of wood. The walls of the houses being built of logs.

Instead of fastening the covering upon roofs, with nails, lengthy poles were placed across the boards, and weighted down at the ends. Owing to the scarcity of adequate tools and hardware supplies, the houses were necessarily very small, one-room structures. The small huts served to house families, which, in many instances, were greatly out of proportion to their size, for be it remembered, in those days families were large and in this particular settlement legend records that they were unusually large.

As families increased in size, and necessity demanded, rooms were added to the family hut—but without increasing its exterior dimensions—by the simple process of stringing up another buckskin curtain, which served to partition off the new room. The erstwhile "feather-tick," upon the bed was not one of the luxuries of which these early settlers could boast, at all events, the entire family could not; for the younger children were bedded upon pallets, and as the family continued to increase in numbers, the larger boys slept in the barn loft, and legend has it, even under trees and most anywhere. History in its record of customs and usages, which prevailed in those early days, suggests the existence of a milder climate then, than now.

The prevailing table-ware was constructed of hewn wooden utensils, though some of the wealthy settlers possessed pewter ware.

For some time these pioneers lived a life of freedom from tilling of the soil, subsisting the while in sumptuous complacency upon the abundant provisions of nature. However, after a time they realized the unusual fertility of the soil, and then clearing of land was commenced, and corn was planted.

There being no grist mills at which their corn could be ground into meal, resort was had to the age-old custom, in primitive quarters, of using a crude mortar and pestle, made by hollowing out a hard stump in which they pounded the corn into meal. Little or no wheat was planted, and they lived for a time without flour; however, when the population grew, flour was shipped in from the trading station at Ditto's Landing (Whitesburg).

During the first years of the settlement all supplies received from the outside world were transported in by pack mules from the settlements further north; later, practically all supplies were shipped from these settlements further north, down the Tennes-

see river, and put off at Ditto's Landing, about ten miles south of the settlement, and from there hauled in by wagons. At this landing on the Tennessee an Indian trading station was operated by John Ditto, who lived there among the Indians of this territory, without white associates for some years before the settlers came into the north part of the county.[5]

In due time, the cultivation of cotton was begun, and shortly thereafter the cotton spinning wheel came into very general use in the settlement. The yarn made therewith superseded in some measure buckskin, which was still in very general use as a substitute for cloth; the principle article of clothing being dressed buckskin. Prior to the arrival of cotton and the cotton spinning wheel, buckskin was used almost exclusively as bed-spreads, ropes, sewing threads or thongs, as well as for many other and varied purposes. For a time, at any rate, the advent of the cotton spinning wheel, locally, did not supersede the use of buckskin as an article of dress, for cotton cloth remained a scarce and seemingly very precious article, as calico cost 50 cents a yard. As a consequence only a few young ladies of the wealthiest families could afford to disport themselves along the paths of the settlement clad in a calico dress, colored by boiling with different kinds of native barks, and shod with buckskin moccasins. Some few of the wealthier inhabitants could boast flax spinning wheels, with which clothes, table and bed linen were made in limited quantities for home use.

Things which we have learned to consider as every day necessities, such as lamps, were, with these early inhabitants only "medical" necessities, being used exclusively in cases of sickness. Gun-powder, the chief instrumentality for protection and subsistence, was made by the settlers themselves.

In summing up and taking a survey of the apparent hardships undergone by the early settlers, who traveled here from homes and communities furnishing more of the ease and luxury of the times, and far greater security of life; we naturally inquire, why did they abandon such homes and communities, and why, again, on such abandonment, did they choose this particular spot, the then furthermost settlement from civilization, and many miles away from their former friends and neighbors? In answer to these queries, we can only surmise. But, it is not wondrous strange that these people should have

[5] It is interesting to know that there still lives, near this landing, a negro family bearing the name of Ditto, one of whom is named John.

been possessed of the spirit of the times; that pioneer spirit which was so predominant. Having once gotten upon their way, it is still less to be wondered at, that they should have halted in their journey and builded their huts around the wonderful "Big Spring," about which Hunt had spread the news when he returned to his home for his family. Truly, this new Eden must have offered many and unprecedented inducements. Though surrounded by Indians, they were never molested. The climate was healthful and mild; the surrounding country was well supplied with waterways; the streams abounded with red-horse, salmon and trout; the forest with bronze turkeys, flocks of pigeon, and red and gray squirrels; and quail could be bagged by herding and driving them into nets; deer and bear frequented the river bottoms, and wild duck were plentiful. Truly to them, it must have seemed that nature had provided this spot with an unlimited wealth of resources.

In addition to these, many more inducements offered themselves to the large slave owners; chiefest of which was the fertility of the soil, upon which could be produced one thousand pounds of cotton to the acre,[6] which was a prime attraction during these years, as the price of cotton was from 20 cents to 25 cents per pound. Perhaps an equally potent consideration was, here their slaves were never molested. If they escaped their owners, they fell into the hands of the Indian tribes; if the tribe was hostile, they were re-enslaved and treated very cruelly; if friendly to the settlers, the fugitive slave was returned to the master. This was no minor consideration to the slave owner, especially those from Virginia, since, for some years their slaves had been decoyed away, and were escaping with annoying and increasing frequency. Nor had they settled in a country which offered no means of transportation; for as early, probably, as 1809, cotton, which was then being cultivated extensively, was floated on flat boats or barges down Paint Rock and Flint river to the Tennessee. On the return trip, these boats brought supplies.

References:—Judge Taylor's *History of Madison County*; Brewer's *Alabama*; Huntsville Directory, 1859; *Northern Alabama*; kindness of many older citizens; newspaper files and clippings.

[6] The author entertains the opinion that this was seed cotton, though he has been unable to authenticate his belief. However, in case seed cotton is correct, such a yield is not disappointing, but on the contrary, excellent, considering the circumstances and primitive nature of farming then prevalent.

Chapter II.

LAND SALES IN 1809

NEARLY, if not all the states, composing the United States, at that time, had been settled and established under the auspices of foreign powers, title to lands in them having been acquired by "Grant from the Crown." Under this system, the more influential inhabitants procured patents to vast areas of land.

Unlike her sister states, which had preceded her in the Union, Alabama was settled and established under the auspices of the United States Government, for, as we have seen, the Mississippi Territory was ceded to the Government by Georgia on April 24, 1802. Almost immediately the beneficial effects of being under the direct jurisdiction of the General Government were made manifest. Shortly after this land was ceded to the Government by Georgia, it became the Mississippi Territory, and was accordingly provided with a territorial government.

It is very probable—as to this, however, the author cannot be certain—that Alabama was the first one of the states admitted to the Union, which was officially surveyed and platted by the Government before the lands therein were open for settlement under governmental administration. Some time during the year 1807 the survey of that portion of the Mississippi Territory, which is now the State of Alabama, was commenced, by first locating and establishing the Meridian line for the State, known as the "Huntsville Meridian," along which passes, for a portion of the way, the present Meridian Pike, leading north from Huntsville. This work was done by and under the supervision of Thomas Freeman, a surveyer, of Nashville, Tennessee. The survey was completed, and so reported to the Government, in May, 1809, and in August, 1809, lands were offered for sale.

By a proclamation of Hon. Robert Williams, Governor of the Mississippi Territory, Old Madison county was created and established the 13th day of December, 1808, with a population of five thousand. This proclamation is in words and figures, as follows:

"Whereas, by the ordinance of the government of this territory, it is provided that, for the prevention of crimes and injuries, and for the execution of process civil and criminal, the governor shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature.

And, whereas, the Indian titles have been extinguished to a tract of country lying and being within this territory, principally on the north side of the Tennessee river, commonly called the "Great Bend" of the Tennessee, and bounded as follows: beginning on the north bank of the Tennessee river on the Cherokee boundary, thence northward along said boundary to the southern boundary of the state of Tennessee; thence west with said last mentioned boundary till it intersects the Chicasaw boundary line; thence south along said Chickasaw line, crossing the Tennessee river twice, to the beginning; agreeable to a survey made under the authority of the United States, within which boundaries there are several thousand inhabitants, having as yet no laws or officers among them: And it being also provided by said ordinance, that the laws shall have force in all parts of the district; to the end, therefore, that the inhabitants residing in said tract of country may have the benefit of law:

I do in compliance with said ordinance, and for the purposes aforesaid, lay out said tract of country, to be called and known by the name of "Madison," subject, however, to such alterations as may hereafter be made by the Legislature.

Given under my hand and the seal of the territory, at the town of Washington, this thirteenth day of December, in the year of our Lord, One Thousand Eight Hundred and Eight, and in the Thirty-third year of the Independence of the United States.

(L. S.) (Signed) ROBERT WILLIAMS.

By the Governor,

THOMAS H. WILLIAMS, Secretary."[1].

Later, in 1818, by an act of the Legislature of the Alabama Territory, of February 6th, it was provided "that Madison county shall hereafter be bounded on the west by the western

[1] Toulmin's Digest of Alabama Laws, page 80. Edition 1823.

boundary line of range number two, west of the basis meridian of said county, extending from the southern boundary of the state of Tennessee to the river of the same name, and said county shall be bounded on the south by said river."[2] Later, by an act of the Legislature of the State of Alabama, on December 13, 1819, the eastern limits of the county were extended to include "all that tract of country lying between the present Madison county line and Flint river."[3]

The foregoing constitute all of the changes made in the territorial limits of the county during the early days. It is very interesting to know, that what is now the eastern part of Madison,—all that tract of country lying east of Flint river, and a part of what is now western Jackson county,—constituted the county of "Decatur," created by an act of the Legislature of the State of Alabama, on December 17th, 1821.[4]

To the casual reader of these pages, no doubt, it will be almost incredible that five thousand settlers had journeyed to this frontier community within four years from the arrival of the first pioneer. Yet, after a laborious and painstaking examination and search for authentic information and records, as well as a studied consideration of the spirit and events of those early years, the author has little doubt of the reasonable accuracy of the reputed population.

The lands in Madison county were the first surveyed and sold in North Alabama. Prior to the sales in 1809 lands in and around St. Stephens had been offered for sale by the Government. The Government Registry and Land Office, through which all purchases of land in the new territory had to be negotiatetd, was situated at Nashville, Tennessee, with Gen. John Braham as Register. All traveling in those days was by horse-back, and in due season there was a well defined highway from the Tennessee river south of the "Hunt Spring" settlement to Nashville on the north, along the same course now traversed by tourists in passing between the two cities. At these sales there were many purchasers who bid in with alacrity these rich lands at an average of $2.00 per acre; very few bids were for more than that. If the amount bid was paid cash, the Government discounted the purchase price eight per cent. Easy terms were also offered; interest at the rate of six per

2 Toulmin's Digest of Alabama Laws, page 85. Edition 1823.
3 Toulmin's Digest of Alabama Laws, pages 93 & 116. Edition 1823.
4 Toulmin's Digest of Alabama Laws, page 98. Edition 1823.

cen per annum being charged on all deferred payments. Only farm lands were offered at the sales in 1809; the laying out and platting of the town site not being completed till 1810.

LAWS EXTENDED OVER MADISON COUNTY

The survival of a people as a nation depends wholly upon its ability to establish and maintain a stable government of laws—as distinguished from a government of men—aided and enforced by a competent system of jurisprudence. And, in like manner the future stability of a pioneer settlement depends in a large measure upon the regard had for the speedy establishment of such a government. Any article dealing with the early history of a settlement, which did not give heed to these principles would be incomplete and improperly focused.

So it is that we are interested to learn, that, the Legislative Council and House of Representatives of the Mississippi Territory, by section one of an act passed February 27, 1809, provided, that, "The laws relating to the judiciary and militia of this territory be immediately extended to the county of Madison." Sections two and six further providing, "There shall be immediately organized in the county of Madison, circuit and county courts, etc." "All the laws of a general nature which now exist or may hereafter be passed by the government of this territory shall extend to and be binding on the inhabitants of the county of Madison."[5]

To meet the changed condition of things, brought about by the extension of laws to the settlement, on December 22, 1809, the Legislature passed an act, which, let us pause to remember was the first statute having to do with Hunt's Spring settlement, directly, providing for a commission to fix a plan for and establish the public buildings of the county, and to this end, to acquire not less than thirty nor more than one hundred acres, and lay out a town site thereon; the town so laid out to be known as Twickenham. This act is as follows:

"Section 1. Be it enacted by the Legislative Council and House of Representatives of the Mississippi Territory, in General Assembly convened, that William Dickson, Edward Ward, Louis Winston, Alexander Gilbreath, and Peter Perkins, residing in the county of Madison, be appointed commissioners for the purpose of fixing on the most convenient place for establishing the public buildings in the said county; and they, or a

[5] Statutes of Mississippi Territory, page 177. Edition 1816.

majority of them, shall have power and authority to procure by purchase or otherwise, not less than thirty or more than one hundred acres of land, at the most convenient and suitable place for the erection of the public buildings aforesaid, which tract of land, when obtained by purchase or otherwise, as aforesaid, shall be laid out into half acre lots by the commissioners aforesaid (reserving three acres, upon which the public buildings shall be erected), and be sold at public auction on twelve months credit; and the money arising therefrom (after paying for the land aforesaid, if the same shall be purchased), shall be applied by said commissioners toward defraying the expenses of erecting the public buildings of the said county.

Section 2. And be it further enacted, that the town so laid out shall be called and known by the name of Twickenham; and as soon as the public buildings are fitted for the reception of the courts of the said county, the said commissioners shall report the same to the county and circuit, or superior courts of said county, as the case may be, who shall thereupon adjourn their courts respectively to the court house so erected as aforesaid."[6]

Before the laws were extended over the county, Judge Taylor, in his article tells us, there had been no organized law enforcement, but this settlement was not unlike other pioneer settlements of that day and this neighborhood, and had its band of men, known as "Captain Slick's Company;" the origin of which name, neither Judge Taylor nor the author has been able to trace. A chronicle of the times gives it that this company was very vigorous in the enforcement of its own laws, and at times inflicted punishment calculated to deter the culprit from the commission of a second offense, provided, of course, he lived through the first punishment. Justice was administered by this company in the following democratic fashion: An undesirable citizen, as thief, and such like, was warned, by an order signed "Captain Slick," to leave town in a given time. Failing to give heed to the order, the unfortunate one was severely thrashed, and in case the order for removal was not immediately complied with, he had both ears cropped and his cheeks branded.

Inasmuch as Judge Taylor does not vouch for the verity of those incidents of law enforcement brought down to us by this legend about Captain Slick, the author feels at liberty to inter-

[6] Statutes of Mississippi Territory, page 98. Edition 1816.

pret the same in the light of certain facts and information to which he has access, and, in a measure, to question its entire authenticity.

The punishment prescribed by the statutes of the territory, for certain offenses, as it seems to us now, was in most cases "cruel and unusual" in character, and in some instances wantonly vicious and inhuman. The statute law of those times recognized no distinction between male and female, in the character of punishment awarded, nor in the manner of its infliction. Men and women, were, alike, punished for the most trivial misdemeanors by a fine, and "moreover received thirty-nine lashes on his or her bare back, well laid on, at the public whipping-post," and were in addition thereto made to stand in the public pillory for days. The minimum amount of corporal punishment inflicted, in any case, seems to have been "thirty-nine lashes well laid on his or her bare back." Even this did not suffice in some instances for, "if any person do feloniously take or steal any horse, mare or gelding, foal or filly, ass or mule, the person so offending shall restore the property so stolen or pay the value thereof, which shall be adjudged by the jury trying such offender, to the owner or owners thereof, and be fined at the discretion of the jury in a sum not exceeding five hundred dollars, and shall moreover reecive thirty-nine lashes on his or her bare back, well laid on, and be branded on the face, or in the right hand, as the court shall think fit, with the letter "T," and be imprisoned for a term not exceeding twelve months."[7] Anyone knowingly purchasing such stolen property was similarly punished.[8] Just why the law prescribed thirty-nine lashes instead of forty or forty-one and so on, must needs remain unanswered. But, may we not pause to inquire, and with some pertinency—is it possible that experience had demonstrated that "thirty-nine lashes well laid on his or her bare back" was the limit of human endurance?

As we view it from these times, the inequalities in the laws of the territory, as regards punishment for different crimes of similar nature and equal injury to society, and as regards the amount of punishment meted out to whites and negroes, for the same offenses, are their most striking and noteworthy characteristics, reflecting as it would seem to us, a failure on the part of the law makers of that day to comprehend the true

[7] and [8] Statutes of Mississippi Territory, page 214. Edition 1816.

purpose back of punishment for crimes. For is it not the very essence of philosophy, that celerity and not severity of punishment deters from crime? The punishment in some instances seems to us greatly disproportionate to the injury done society, in the commission of the offense. One of these instances is found in the statute which prescribes the death penalty for the offense of forgery.[9] This statute also strikingly illustrates the inequality in the punishment awarded for its violation and that awarded for the offense of stealing a horse, just quoted from above; both, crimes of kindred nature, equally hurtful to society.

No less remarkable is the dissimilarity in the punishment awarded whites and negroes; for, upon an examination of the statutes prescribing punishment for perjury, we find that in the case of a white offender he was "fined not exceeding $300.00, and stood in the pillory two hours, and had thirty-nine lashes on the bare back;"[10] whereas, "when any negro or mulatto shall be found, upon proof made to any county or corporation of this territory, to have given a false testimony, every such offender shall, without further trial, be ordered by said court to have one ear nailed to the pillory, and there stand for the space of one hour, and then the said ear to be cut off, and thereafter the other ear nailed in like manner and cut off at the expiration of the other hour, and moreover, to receive thirty-nine lashes on his or her bare back, well laid on, at the public whipping-post, or such other punishment as the court shall think proper not extending to life or limb."[11] Surely such excessive punishment was ill timed and out of proportion, and the justice of this criticism is enforced by the realization, that, in the courts of the territory negroes had no standing as witnesses and their testimony was not evidence unless corroborated by "pregnant circumstances;" and then, only at the discretion of the judge. Nevertheless, the confession of the accused was good and could be used to convict him.[12] Even greater and more pointed is the expression of this dissimilarity, found in that statute which provided that, "When any negro or mulatto whosoever shall be convicted of an offense not

[9] Statutes of Mississippi Territory, page 216. Edition 1816.

[10] Statutes of Mississippi Territory, page 217. Edition 1816.

[11] Statutes of Mississippi Territory, page 223. Edition 1816. We marvel that even this saving limitation is placed upon the right of the judge to inflict corporal punishment upon a negro.

[12] Statutes of Mississippi Territory, page 223. Edition 1816.

punishable with death by this act, judgment of death shall not be given against him or her, upon such conviction, but he or she shall be burnt in the hand by the sheriff, in open court, or suffer such other and corporal punishment as the court shall think fit to inflict, except where he or she once had the benefit of this act, and in those cases, such negro or mulatto shall suffer death."[13]

In taking a retrospective view of the criminal laws of the territory, one is impressed with the idea that punishment for crime had as its purpose one of two objectives, either to render assurance doubly sure that the culprit would not again offend against society by removing him (through the death route) from all such temptations; or to so mark him, by burning him with the "brand of justice" and lashing her mandates through his bared back, as to make of him a continuing spectacle of horror. Be it remembered, however, in justice to the lawmakers of our own, the Alabama Territory, all these statutes were passed during the year 1807, and were given to the new settlement as rules to live and be governed by at the time of the extension of the territorial laws over the county in 1809.

Viewing in the retrospective these laws, providing punishment for crime, bearing in mind the while, that the chief features of the punishment inflicted by Captain Slick and his band, are likewise the chief features of the punishment prescribed by law, we readily realize how a legend, such as that dealing with Captain Slick, could have found lodgment and credence in the mind of posterity. That there was foundation for thefundamentals of such a legend cannot be doubted, but that such punishment as there ascribed to Captain Slick and his band, should have been inflicted and administered by individuals as such, is extremely doubtful. It is entirely possible, even probable, that this legend, firmly embedded in fact, as we have seen, was started upon its course through the annals of time, as a simple historic narrative of the punishment awarded in certain cases, under the old laws of the territory; and as years passed, it became a legend, by constant repetition, and the addition thereto of the name of Captain Slick, to give it the proper setting of the picturesque. No narration of facts or events in so unworthy as to become a legend till it is attired in some picturesque garb.

[13] Statutes of Mississippi Territory, page 223. Edition 1816.

The reader's pardon is asked for having digressed at such length from our consideration of courts and court systems for the county, to discuss with such seriousness the seeming trivial circumstances relating to Captain Slick. But as it is the obligation of a narrator of historical events to investigate and give record to every fact and incident, whether large or small, as well as circumstances which might have a tendency, even remotely to illumine the future study of the history of the people he seeks to commemorate, the author of these pages would have been recreant to a duty had he not given serious consideration to Captain Slick and his company.

COURTS

Along with the laws of the territory, which were extended over the county in February, 1809, came the courts of the territory. For a time laws were enforced and justice administered in the county by the Supreme Court of the Mississippi Territory. Later, and on December 22, 1809, this court was abolished, and in lieu thereof a county court, known as the "Superior court of law and equity," was established.[14] By the close of 1810 all courts had been established and completely organized, with a full force of officers, appointed by the governor of the Mississippi Territory.

Stephen Neal was the first sheriff of the county and held office from his appointment in 1809 to 1822.

If there was any one act of the Congress of the United States, which was more pregnant with interest to Madison county and more potent in establishing the settlement upon a firm basis, than any other, it was the act of March 2, 1810, which authorized the county to elect one representative to the territorial general assembly, and also to vote for one delegate from said territory to the Congress of the United States.[15]

The matter of establishing and arranging courts, seems to have been a perplexing problem even in those days. By this same act, just referred to, authority was vested in the territorial governor to appoint an additional judge "who shall reside in Madison county." The territorial Legislature was also invested with power to establish a superior court in each county of the territory; and it was further provided that all final

[14] Statutes of Mississippi Territory, page 178. Edition 1816.
[15] Statutes of Mississippi Territory, page 48. Edition 1816.

judgments and decrees rendered in the superior court of Madison were appealable to the superior court of Adams county.[16]

The terms of the superior court of Madison and the time for holding the same were fixed by an act of the territorial Legislature, of December 18, 1811, on the second Monday in May and November, to be held for twelve judicial days, at each term. By this same act it was provided that an intermediate court, for county purposes, be held for the county of Madison in May and November, for two days, at each term, which had exclusive jurisdiction of causes in which not more than $200 was involved.[17]

Later, it was determined that the business of Madison county required more time, so accordingly by act of December 1, 1814, the terms of court were increased to eighteen judicial days, each.[18]

We have noted that the superior court of Adams county served as a court of appeals for the review of judgments and decrees of the Madison superior court. By an act of the Legislature of January 20th, 1814, there was created, the supreme court of errors and appeals, with judges to be appointed by the territorial governor, with terms to be held twice each year on the second Monday in June and December, which was in lieu of and had jurisdiction of all appeals to the exclusion of the superior court of Adams county.[19] This same act conferred jurisdiction upon the superior court of Madison, of all actions and suits in which the amount involved exceeded $50.00.

Judge Taylor tells us, in his article, that, the first court ever held in the county was known as the inferior court, which was convened the first Monday in January, 1810. Five justices sat upon the bench, with one of their number as chief justice of the quorum. Leroy Pope was chief justice and E. Ward, William Dickson, J. Withers, and Thomas Bibb were associate justices of the court, while William Winston was clerk. In 1820 this court was abolished and in its stead there was created a court with jurisdiction co-extensive with our present probate court, and in addition thereto, jurisdiction over civil

[16] It is the author's belief that Adam's county was in that portion of the territory which is now Mississippi; and had as its western boundary the Mississippi river, and extended approximately across the state. As to this, however, he cannot be certain, owing to a lack of data upon the subject.

[17] Statutes of Mississippi Territory, page 189. Edition 1816.

[18] Statutes of Mississippi Territory, page 205. Edition 1816.

[19] Statutes of Mississippi Territory, page 200. Edition 1816.

causes. Of this court Sam Chapman, brother of Reuben Chapman, afterwards governor of the State, was the first judge, serving as such from 1820 to 1834. Edward Chambers Betts, grandfather of the author, was the last judge of this court, serving as such from 1849 to 1850, when it was abolished, and the present probate court created in lieu thereof with J. M. Otey as its first judge.

The superior court of the county, the establishment of which we have noted, was opened on October 1, 1810, with Obediah Jones as judge, and Peter Perkins as clerk. A chronicle of the times has it that this was an occasion of serious moment in the county's history. That it was so regarded by the court officials can be little doubted, when we learn that great pomp and ceremony attended this auspicious event. At this session of the court the hereafter named gentlemen presented their credentials as attorneys at law, had their names enrolled, and were accordingly admitted to the practice as members of the Twickenham Bar: J. W. Walker, who served as attorney-general at the first term of the court; J. C. Hamilton, Geo. Cotter, James Rogers, Gabriel Moore, Marmaduke Williams, and Lewis Winston, afterwards attorney general of the territory.

The first business session of this court was held on the first Monday in November, 1810.

PURCHASERS AT LAND SALES OF 1809

Great numbers of prospective purchasers poured into the settlement during the year 1809, eager to bid on the lands offered for sale by the Government. Many of these potential settlers were wealthy and owned large bodies of slaves.

Twickenham was reached by two principal lines of travel, both leading North for about ten miles to where they merged into what is now the New Market road, which proceeded thence northward to Nashville. To the north of New Market this route was tapped by a road leading eastward through Tennessee and crossing the Tennessee river about the northwest corner of the state of Georgia, proceeding thence into Georgia. It is along this latter route that the greater number of these potential settlers came in 1809. They followed the New Market road till Flint river, in this county, was reached, here they divided. Some of them coming to the settlement by the Deposit road to what is now Brownsboro, and thence into

Twickenham; others came along the road leading north from the settlement to Flint river, along which now passes the Three Forks of Flint road.

As many of the men, whose names are so indelibly stamped upon the pages of our State's, and in some instances our nation's, history, became purchasers at these sales, afterwards settling in the county, it will not be amiss to here record some of those names.

Large tracts of land along the road leading north from Twickenham to Flint river were bid in by William Moore, Nathan Strong, James Roper, Matthew Weaver, and John R. B. Eldridge. Closer into the settlement, but along that part of this same road, which is now known as Meridian Pike, purchases of land were made by R. Thompson, Thomas Bibb, J. Manning, B. S. Pope, J. Lowery, J. W. Watkins, J. Connally, P. Cox, J. W. Walker, Hugh McVay, and C. Cabaniss. Around Twickenham, and in different directions, large tracts of land were bought by Dr. David Moore, Archie McDonnell, and J. & S. Acklen, while out toward what is now known as Russell's Hill, just west of the settlement, purchases were made by E. Dilworth, E. Ward, and J. Allison.

In due season, houses were built—in most instances of logs—upon these tracts. Great droves of slaves belonging to these settlers having been brought in, clearing of land commenced soon thereafter. Now, the business of transforming this frontier settlement into a permanent community and the famed metropolis of the Alabama Territory it was soon to be, was begun in earnest, and progressed with a gratifying and unprecedented rapidity.

An examination of history's pages reveals that not only did Twickenham and Madison county contribute their share toward the political and economic development of the Mississippi Territory, but that the illustrious names, of those statesmen, which form the very pillars of history's ark and thatch its roof, are intimate to their history. For among those who purchased lands and settled in Twickenham during the years 1809 and 1810 were: Thomas Bibb, the first president of the Alabama Senate, who succeeded to the office of governor of the State upon the death of his brother, William Bibb, its first governor; Gabriel Moore, and Clement Comer Clay, both of whom became governors of the State, and the latter of whom served Alabama as United States senator, shedding lustre upon her

people, and by his marked abilities creating for Alabama, the new State, an enviable place in the counsels of the nation; Leroy Pope is affectionately referred to in the chronicle of the times as the "Father of Huntsville," he was called upon to serve his people in many and varied capacities, acting, as we have seen, as chief justice of the first court of the county; J. W. Walker was the first lawyer admitted to practice in the courts of this county, serving as attorney-general at the first session of the court, and later became one of the first United States senators from Alabama. At the beginning of his term Alabama was represented in the nation's Congress by two senators and one representative. In addition to these, there were many more whose names adorn the pages of Madison's history, such as: Peyton Cox, J. Manning, and Robert Thompson. All these parties came to the new settlement from Petersburg, Elbert county, Georgia, and it would seem, in coming, stripped that town of its vital forces, rendering it stagnant, for it has ceased to exist for a number of years.

ESTABLISHMENT AND FOUNDING OF TWICKENHAM

As we have observed, on the 22nd day of December, 1809, the Territorial Legislature created a commission to lay out the town, and when so laid out it was to be "called and known by the name of Twickenham." At this time the settlement had between two hundred and three hundred inhabitants. Just why the name of Twickenham was chosen is not a matter of conjecture. The moving spirit and the dominant influence of nearly all positive action in the life of the settlement was Leroy Pope, a wealthy man, public spirited and liberal. He was a great admirer of the poet Alexander Pope, though no relation, so far as the author has been able to ascertain. The poet's English home was named Twickenham. Through the influence of Leroy Pope this was the name given the settlement upon its establishment.

Pursuant to the legislative enactment the commission early in 1810, laid out the town, including in its limits, about sixty acres. The town site, including the "Big Spring," had been previously purchased, in 1808, by Martin Beaty from the "Tennessee Land Company," for the sum of $1.00 per acre. One thousand acres was included in the purchase, to which he afterwards released his claim, upon effecting a settlement with the United States Government. Before the town site was laid

out, at the Government land sales in 1809, Leroy Pope purchased the quartersection of land upon which was located the spring, at the, then, exorbitant price of $23.00 per acre. That the bidding for this piece of land was sharp is attested by the fact that it brought four times as much as any of the adjoining lands. Pope bought this land with a view to locating the county site upon it, which was accordingly done, later.

The streets of the town were laid out with reference to the spring bluff. It is probable that this work was done by J. W. Leake, a local surveyor, who it seems did all such work till 1816, when Hunter Peel, an Englishman, came to Huntsville. Twickenham was bounded on the north by what is now Holmes street; on the east by Lincoln street; on the south by Williams street, and on the west by Galatin and Henry streets, or Oak avenue.

The town being now platted, the commissioners bought thirty acres, the south half of which was purchased from Leroy Pope at $25.00 per acre. This thirty acres obtained by the commissioners, was that immediately adjacent to the spring bluff, comprising what is now a portion of Court square, and the property abutting thereon. Mr. Pope donated to the town for public purposes, what is now the jail lot and half of the court house square. This thirty acres was divided into half-acre lots, which, when sold, brought from $200.00 to $500.00 each. The total revenue derived from the sales was $10,000.00, which, as directed, was used in the construction of public buildings, thereafter immediately begun.

The first lot, in Twickenham, was sold on July 4th, 1810, which seems to mark the beginning of an era of phenomenal growth, not alone for the town and county, but for the entire State as well. Soon, thereafter, John Hickman was awarded the contract for the construction of the first court house, which was completed in 1816, and stood upon the site of the present one. Co-temporaneous with the erection of the temple of justice, a jail was built; and completed after delay commensurate with that attending the completion of the court house, and was situated on the northeast corner of the square. From the number of years consumed in completing the court house, one might infer that this noble work of erecting Madison's first shrine to the Goddess of Justice, was probably finished by the "heirs, executors or administrators" of John Hickman, the original contractor. At any rate, these public buildings in their

incomplete state, became the subject of legislation again, on December 12, 1816, when an act was passed providing that: "The justices of said county court be and they are hereby appointed a commission to contract for and superintend the completion of the public buildings of said county," with power to purchase a lot for the jail and to proceed to the completion of the pillory.[20]

In the basement of the court house was located the first "Market House;" later, it was removed to what is now the Holding block, on the east side of the square, where it was housed in a brick structure, and finally, from there it was moved to the northwest corner of the intersection of Washington and Clinton streets, upon the site now occupied by the Twickenham Hotel.

NAME CHANGED TO HUNTSVILLE

Not unlike other towns, Twickenham had its local dissensions and internal strife, and the name of the town was the bone of contention. Legend claims that the settlement was divided in twain, and that "there existed two powerful factions," denominated respectively: The "Royal Party" and the "Castor-oil Party;" being so named on account of the leadership espousing each. The former was led by Leroy Pope and contended for the name of Twickenham, while the latter was led by John Hunt, who operated a castor-oil shop, and contended for the name of Huntsville. That this is but mere fiction, can be little doubted, when we learn that John Hunt left the settlement shortly after the land sales of 1809, without perfecting his title to the lands purchased by him, in failing to pay the Government for the same, returning to his old home in Tennessee; and this before the settlement he had founded was named Twickenham. What the real reason for the change was must remain the subject of conjecture. However, history does inform us, that, though the town was legally named Twickenham, the spring, and even the settlement itself to some extent, was still called and known as "Hunt's Spring." This circumstance, taken in connection with the fact that there were many who believed deference should be shown the memory of Hunt; and again, the even more potent circumstance that Twickenham was an English name, which made it no doubt very unpopular

[20] Statutes of Mississippi Territory, page 465. Edition 1816.

just at this time, when the relations between this Government and Great Britain were unfriendly and strained to the breaking point by the oft-repeated insults, and bullying of our commerce by Britain's naval policy, which led to the War of 1812, amply explain the desire for the change of name.

Answering the demand of her people, the Territorial Legislature by act of November 25, 1811, changed the name of the town, by providing, that: "From and after the passage of this act, the county town of Madison county—now called Twickenham—shall be called and known by the name of Huntsville."[21] The same Legislature by an act of December 9, 1811, incorporated Huntsville, and gave to it, its first municipal charter and government. The act incorporating the town is as follows:

"Section 1. Be it enacted by the Legislative Council and House of Representatives of the Mississippi Territory, in general assembly convened, That the town of Huntsville, in Madison county, shall be, and the same is hereby incorporated, and all free white male inhabitants of said town, above the age of twenty-one years, are hereby authorized to vote for five persons as trustees of said corporation, who are authorized and empowered to superintendent the police of said town by passing such by-laws, not contrary to the laws of the United States, or of this territory, as they may think proper for the well-government of said town, and for the suppression and removal of nuisances, laying off and repairing the streets.

Section 2. And be it further enacted: That the said trustees, or a majority of them, are hereby authorized to assess such taxes on all property laying within the boundaries of said town, as they think proper, for all the purposes of a proper police, said assessment of taxes not to exceed two hundred dollars.

Section 3. And be it further enacted, that there shall be a constable appointed within the limits of said town, whose duty it shall be, to collect the taxes mentioned in the preceding section, and to whom the taxes aforesaid shall be given in upon oath, and the said constable shall receive on such taxes, when collected, five percentum for collecting and paying over the aforesaid taxes to such trustees as may be appointed by the board to receive them.

Section 4. And be it further enacted, that the election for trustees shall be held at the court house, on the first Monday in

[21] Statutes of Mississippi Territory, page 100. Edition 1816.

February, annually, under the superintendence of the sheriff and any justice of the peace, which election shall commence at the hour of ten o'clock in the morning, and close at two o'clock in the evening.[22]

The provisions of this charter were amplified and extended by an act, of the Territorial Legislature, of November 29th, 1815, making the provisions of an act amending the charter of the town of St. Stephens applicable to Huntsville.[23] Later another charter was granted by an act of December 16th, 1819, appointing three additional commissioners for Huntsville, and naming John Read, Henry Stokes and Jesse Searcy, as such commissioners.[24] This charter and form of government remained in force without change till the meeting of the State Legislature at its session of 1843-44, whereat a new charter was granted dividing the city into four wards and providing a mayor and eight aldermen to be chosen by the qualified electors, also extending the limits of the town to one-half mile in each direction from the court house.[25] This charter remained unchanged and in force till the Civil War.

Prior to this extension of limits the boundaries of the town had, from time to time, been changed. On the 16th of November, 1818, the limits were so enlarged as to incorporate "the extensions of Green and Madison streets 'to include the property of certain named individuals' and none others."[26] A somewhat novel exception in the next extension of limits was effected by an act of the Legislature on December 17th, 1819, wherein it was provided "That the corporate limits of the town of Huntsville, shall extend one-quarter of a mile from each side of the public square in said town * * * which corporation shall not affect the persons or property of Thomas and William Brandon, who reside within the limits of said corporation." This latter clause was repealed by "An Act Concerning Wolves and Panthers," passed in 1820.[27]

References:—Brewer's *Alabama;* Judge Taylor's *History of Madison County;* newspaper clippings and files; kindness of many older citizens; *Northern Alabama.*

22 Statutes of Mississippi Territory, page 104. Edition 1816.

23 Toulmin's Digest of Alabama Laws, page 777. Edition 1823.

24 Toulmin's Digest of Alabama Laws, page 806. Edition 1823.

25 This is the first time city officials of Huntsville were designated mayor and aldermen, prior thereto they were styled "trustees" and later "commissioners."

26 Toulmin's Digest of Alabama Laws, page 775. Edition 1823.

27 Toulmin's Digest of Alabama Laws, pages 805-6. Edition 1823.

Chapter III.

PEOPLE AND EVENTS OCCUPYING HISTORY'S STAGE BETWEEN 1810 AND 1816

AS AN introduction to this chapter, the author asks leave to quote briefly from a letter written in 1815 by John W. Walker, later United States Senator, to his friend at Washington, W. H. Crawford, then Secretary of the United States Treasury: "Huntsville is situated around the finest spring in the world; the spring forms a semicircle 100 feet wide, and at a trivial expense the stream can be made navigable for batteaux to the Tennessee river; which is only ten miles distant. The market house is of brick; the jail of wood. In its immediate vicinity are five cotton gins. The average land in the county will produce 1,000 pounds of cotton to the acre, and 800 bales will be this year's crop. The land is also admirably adapted to tobacco raising. Besides the gins in Huntsville, there are twenty in the county." Such expressions as these reflect the spirit of the times. An exhilarating air of buoyancy and hope pervaded every phase of life in the community. The atmosphere was electric with ardent optimism for the future, which was so abundantly warranted, as is eloquently attested by history's narration of that future.

As the beginning of this, the second era in the growth of the settlement, is the ending of the first at which lands were bought, the inhabitants were primarily engaged about the business of establishing their homes. Most of the wealthier citizens built houses along the south of the town, just out of the town limits, ranging from Pope's—now Echols'—hill on the east, to the spring bluff on the west, along what is now Williams street, which was lined with towering oaks and stately poplars; while others erected their houses along what is now Maiden Lane, just south of a rugged and picturesque bluff, upon which was later situated the home of Leroy Pope. From time to time residences were changed from one part of town to another, and from the country to town, and the reverse. Thomas Bibb and Henry Minor being among the most noteworthy of those who moved over to the south side of town.

After the matter of housing the settlers had been properly disposed of, the attention and energies of the entire community seem to have been directed to the development of the economic interests of the town; not to the exclusion of, however, but with due and commensurate regard for its proper political development as a factor in the governmental life of the territory.

Some time during the year 1810, Alexander Gilbreath opened a mercantile establishment at the corner of Gates and Henry streets, and about a year later formed a partnership with James White. This firm enjoyed a large and lucrative business for many years. John Brown erected two store-houses on Exchange Row, being the first on the north side of the square. Near these J. O. Crump built one. In 1810 John Read came to Twickenham and erected the first house on the old Schaudies property, at the southwest corner of the square. This house was later purchased by A. Jameson, who ran a hotel there, and some time thereafter it was acquired by Allen Cooper, who continued to operate the hotel. The first store-house on the east side of the square was built by Neal B. Rose, Leroy Pope and John Hickman.

For a number of years the first and only paper in the territory was the "Madison Gazette," published at Twickenham by Mr. Parham, having been established in the early part of 1812, as a weekly.[a] Later, in 1816, this paper changed hands and was thereafter published by T. B. Grantland, under the name of "The Huntsville Republican."

As early as 1803[1] the Territorial Legislators conceived the idea that taverns were institutions peculiarly subject to governmental control, even to the extent of fixing the rates to be charged; however, notwithstanding this, hotels or taverns were numerous in Twickenham. On the west side of Jefferson Street, just off the square, on the site of the old Huntsville Hotel, C. Cheatham owned and operated a tavern, and just across the street, in the center of the block, Archibald Maderra ran his tavern, which was headquarters for the delegates to the Territorial Constitutional Convention held at Huntsville in 1819.

Between these years, the population of this, the oldest English settled town in the State, was of slow growth, notwithstanding that Madison county then held within its limits more

[a] Statutes of Mississippi Territory, page 56. Edition 1816.
[1] Statutes of Mississippi Territory, page 396. Edition 1816.

than one-half the entire population in that scope of country which later became the State of Alabama. Nevertheless, during this period the business and commercial interests of the settlement grew by leaps and bounds. Many cotton gins and mills of various characters were located in and around the town. The author will be pardoned for here digressing, and recording the fact that the first cotton gin in the county and probably in the State,—referred to by a chronicle of the times as a cotton factory—was erected by Charles Cabaniss on Barren Fork of Flint river, soon after the land sales in 1809.

When the court house was completed in 1816, it was flanked about on all sides by handsome brick store-houses, and in all parts of town many elegant and costly homes had been erected and many more were in the process of completion. This material growth of the town represented the skill and handiwork of two brothers, Thomas and William Brandon, who came into the community in 1810, with nothing but their mason's tools, and in these few years had transformed the crude log hut settlement into the brick and mortar metropolis of the territory, it had by this time become.

Though engrossed in and busied about the reclamation and development of their own wonderful county, the fires of patriotism still burned brightly in the souls of Madison's men and women. On October 13, 1813, General Andrew Jackson, and his command, after marching from Fayetteville to Huntsville in five hours, halted at what is now the intersection of East Holmes and North Lincoln streets, for rest over night, having learned on arriving here that the report of the "rapid approach of the Indians was exaggerated." General Jackson and his command the next day continued their march through the country of hostile Indian tribes to Horse Shoe Bend, where that sanguinary battle was fought with the Creek Indians. Nor was their departure unattended, for the county had contributed liberally of its men; four companies from Huntsville, one the "Mounted Rangers," under the command of Capt. Eli Hammond and a fifth company from Hazel Green, with Captain Jack Mosley as its commander, had joined General Jackson's forces here.

In those strenuous times, when safety lay in one's ability to shoot a muzzle-loading-flint-lock-squirrel-rifle, "military preparedness" was not merely a fad to be indulged according to political exigencies, and universal military training, in a measure, was a reality. The duty of every male citizen to bear

arms in defense of his country and be subject to its call, was not a myth. To the accomplishment of this end, laws governing the same in the territory had been enacted, which, we have observed, were made to apply to Madison county, on February 27, 1809.[2] It was required of the commanding officers of the companies that they enroll "every free white male who shall have been ten days in their respective beats—each beat in the county having one or more companies—and who shall be above the age of eighteen and under the age of forty-five, and shall give notice to such person of his enrollment."[3] Thereafter, militia duty or service was compulsory upon males so enrolled.

The regiment was required—by law—to hold a muster once a year, and the company once every two months and oftener, at the discretion of the commanding officer.[4]

During the war of 1812 the settlement had furnished its quota of men to defend the country. Two companies, one under the command of Capt. Jack Mosley, and the other with Captain Gray as its commander, went forth from Huntsville; however, both companies were mustered out without having seen service in actual war.

At the end of this era, between the years 1815 and 1816, there was a pronounced inflated condition of affairs. Land values, which, in some instances, had increased ten-fold, bear unmistakable evidence of this forward tendency of things and events in the life of the settlement. The southwest corner of the square—known in later years, as the Schaudies corner—sold in 1811 for $715.00, and without having been improved with a costly building, brought $7,500.00 when sold during the last year of this period; and it is said by a narrator of those times, that this instance of the rise in property values, is a fair index to the advance in the price of all property. Not alone did these conditions prevail immediately in the town, but throughout the county as well. Farm lands approximate to the town brought $100.00 per acre, and in more remote sections of the county $20.00 an acre was considered cheap.

As a corollary of these advances in the wealth and financial resources of the settlement, as a town, the per capita wealth of the individuals of the community kept pace. During this period, and especially the latter part thereof, large sums of money were invested in slaves, which were brought to the town

[2] Statutes of Mississippi Territory, page 177. Edition 1816.
[3] Statutes of Mississippi Territory, page 333. Edition 1816.
[4] Statutes of Mississippi Territory, page 334. Edition 1816.

in great droves by slave traders, and readily disposed of to the inhabitants of the town and county.

THE PERIOD BETWEEN 1817 AND 1821

The growth of the entire scope of country, now forming Alabama, had been commensurate with the spirit of the times, and in order to properly care for the governmental interests of its inhabitants, Congress by act of March 3, 1817, created the Alabama Territory, with St. Stephens as its seat of government, and William Bibb as governor.[5] This seems to have been the one remaining thing to do for the complete emancipation of prosperity, which appears to have run riot in Huntsville during this period. When we scan history's record of the epoch making things and events which crowded in upon each other during these years, we see the reflection of prosperity's contest with itself to accomplish something more potent for the good of the county than the thing just preceding.

Agreeable to an act of the Legislature of the Mississippi Territory of December 11, 1816, on the first Monday in February, 1817, Leroy Pope, John P. Hickman, David Moore, Benjamin Cox, John M. Taylor, Thomas Fearn, Jesse Searcy, Clement C. Clay, and John W. Walker, as commissioners, opened books at Huntsville for subscription to the capital stock of the first banking corporation organized in Alabama, then a territory, styled, "The President, Directors and Company of the Planters' and Merchants' Bank, of Huntsville."[6]

The authorized capital of the Planters' and Merchants' Bank, was $500,000, divided into five thousand shares of the value of $100.00 each, of which five hundred shares were treasury stock, to be held for the space of ten years, subject to the right of the State to purchase the same.

During the latter part of this period, there was opened at Huntsville another bank under the superintendence of John McKinley, Lemuel Mead, Nicholas Hobson, Frederick James and Stephen S. Ewing, with a capital of $150,000. This bank was designated as a branch of the State Bank of Alabama, which had a capital of $2,000,000, over half of the stock being held by the State.[7]

On September 7, 1816, the first issue of the weekly paper, the (Huntsville) Alabama Republican appeared, which, as we

[5] 3 U. S. Statutes at Large, 371; Vol. 1, Code of Ala. 1907, page 33.
[6] Statutes of Mississippi Territory, page 455. Edition 1816.
[7] Toulmin's Digest of Alabama Laws, page 53. Edition 1823.

have observed, was formed from the Madison Gazette, already discontinued. T. B. Grantland was its editor; later, Messrs. Boardman & Adams became its owners and editors.

In 1817 the Government Land Office was moved from Nashville to Huntsville; shortly thereafter the land sales of 1818 took place. Judge Taylor, in his history, tells us: all things considered, the sale of Madison county lands in 1818, created as great excitement as did the California gold fever in 1848-49. Bidding at these sales was spirited, and the average price paid ranged from $50.00 to $54.00 per acre. Much of this land was bought in by people from all sections of the South, many of whom afterwards settled here. The greater number of the purchasers at the former sales in 1809, acquired additional acreage at these sales. Chief among the new settlers who purchased at these later sales were numbers of cultured and wealthy Virginians, who brought with them large droves of slaves.

This recognition of the fertility of the soil and appreciation of the phenomenal future ahead of the town was not confined to home-seekers alone, but was shared by some of the nation's greatest men who foresaw an investment in the ownership of these lands, which promised a rich reward. Most noteworthy among these national figures was General Andrew Jackson, who acquired vast areas of Madison county lands. General Jackson's visits to Huntsville were not confined to attendance upon land sales alone. His frequent sojourns here made him intimate to this settlement, which held for him the highest esteem and warmest regard. A narrator of the times records that General Jackson's visits to the hostelry of one Connally,—the "Old Green Bottom Inn," were oft repeated. There—as legend has it—General Jackson "raced his horses and fought his cocks." A portion of this once famous tavern;—and it was famous, being the mecca of sporting men from all parts of the South—still stands. Likewise, at this writing, the dining-room of the Inn and the table off which General Jackson ate are still preserved. That portion of this old tavern, which was constructed of gray limestone, still remaining, is now occupied by the president of the State Agricultural and Mechanical College for Negroes, at Normal, Alabama, four miles north of Huntsville. The proprietor of the tavern was a race horse breeder of no mean renown, for here at the "Old Green Bottom Race Track," which was operated in connection with the

inn, he raised and trained "Gray Gander," the fastest horse then known to the racing world.

The first census for Madison county, taken in 1816, shows a population of 14,200. What per cent of this was colored, is not known. That history, in its record of events, properly interprets them to be a reflection of the boom spirit of the times, cannot be doubted, when we learn that in 1820, just four years later, the second census was taken, revealing an increase in the population of the county of over 5,000. There were then, in all, 19,565 inhabitants; 10,242 of whom were white, and 9,323 colored. The aggregate population was three times that of any other county in the State; while the white population itself was in the same proportion to that of any other county.

These years were verily the brightest and most prosperous, and held more promise, than any yet enjoyed by Huntsville and its inhabitants. This brilliant and all alluring kaleidoscopic view of the future of the town was not without its warrant. The United States was at peace with the world, the surrounding wilderness had been wrested from the Indians, cotton was selling in an eager market at 20c to 25c per pound. Here more pounds per acre could be produced than most anywhere. The first and only bank, for a time in the State, being located here, and the Government Land Office, tended to make it the axis around which revolved all things commercial and political pertaining to the Territory. Land values had reached their zenith. Railroads being then unknown, perforce, navigation was regarded as the only possible medium of transportation. A feverish enthusiasm was manifested on all sides in the lock and dam project of the Indian Creek Navigation Company, to render the Big Spring branch and Indian creek the artery of commerce to the Tennessee river, and thence to the outside world. The town was crowded with people; hotels were taxed to their utmost limit to lodge the throngs of transients; the bank itself was inadequate to the times, and could not care for the commercial interests of the community. So general was the recognition of the merited yet over weaning mastery and domination by Huntsville of the commercial and political life of the whole State, that, in spite of its geographic location, the economic necessity and advantage of making Huntsville the capital of the State was boldly contended for by her prominent men, and freely admitted by other leaders of thought from all parts of the State.

TERRITORIAL CONSTITUTIONAL CONVENTION

During these years the population of the entire territory had grown apace, and in 1819 there were within the limits of the Alabama Territory sufficient numbers to warrant the admission of Alabama into the Union. Accordingly the formalities attending the genesis of a new State being attended to, Congress, on March 2, 1819, passed an act authorizing the people of the Alabama Territory to hold a convention at Huntsville for the purpose of drafting a State Constitution.[8] Pursuant to this act, an election was held throughout the Territory of Alabama, on the first Monday and Tuesday in May of that year, for the purpose of choosing delegates to this Convention, to be held on the first Monday in July following. Representation in this assembly was apportioned by the act, according to population—Madison having eight delegates, twice as many as the next highest county, Monroe, which had four; there were forty-four in all from the twenty-two counties then forming the State.

Agreeable to what had been done, the Convention assembled at Huntsville on the first Monday in July, with John W. Walker, of Madison, presiding. Madison's other delegates were Clement Comer Clay, J. L. Townes, Henry Chambers, Lemuel Mead, Henry Minor, Gabriel Moore, and J. M. Taylor. Judging from the record of success, in public life, achieved by Madison's representatives in this historic assembly, she must have occupied an enviable and exalted position of leadership in the councils of that body. Upon the floor of that house she was undeniably the peer of all comers, with such men as Chambers and Clay accredited to her.

The meetings were held in an assembly hall, now long since removed, which occupied the northwest corner at the intersection of Franklin and Gates streets; the spot being now marked by a handsome bronze tablet erected by the Daughters of the American Revolution. Later, after its admission to the Union, the first session of the Legislature of the State of Alabama was held in that same building.

The business of the Convention having been transacted in due course, Alabama was admitted into the sisterhood of states. On the second day of August, 1819, a proclamation, accepting on behalf of the people of Alabama, the obligation of statehood, was promulgated by J. W. Walker, as president of the Convention.

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[8] Toulmin's Digest of Alabama Laws, page 910. Edition 1823.

Alabama being now a State, public attention turned to the selection of officers to administer the three separate branches of government. This was becomingly done with all due haste.

The executive office was first occupied by William Bibb, who had defeated Marmaduke Williams, by one thousand majority. The total vote polled for both candidates for governor being fifteen thousand. Governor Bibb was inaugurated at Huntsville, on November 9th, 1819. Huntsville was then the temporary capital of the State. Later, the seat of government was removed to Cahaba, on account of its more central geographic position. Madison county was represented in the first State Legislature by Sam Walker, Gabriel Moore, E. Moody, James G. Birney, G. Lampkin, Sam Chapman, J. L. Townes, F. Weeden, and I. Wilborn. Under the first State Constitution, cities and towns were entitled to separate representation in the general assembly.

While the Legislature was in session at Huntsville, a bill was passed, incorporating Triana, on the 13th day of November, 1819.[9] Later, on December 20th of that year, this act was amended[10] by providing for the election of a president of the board of trustees, the governing body consisting of five members. Shortly after the incorporation of Triana, the trustees proceeded to lay off the town into streets, blocks, and lots. At this time, the plan to render the Tennessee river navigable for large steamers was considered by Huntsvillians to be an assured success; thus making possible the realization of their most cherished dream, that, Triana should become the largest shipping point and cotton center in the entire State. This confidence in the future of Triana, as a commercial center was likewise shared by many investors of wealth and influence from all parts of the State. The profits accruing to the corporation from the sale of town lots, most of which were purchased by inhabitants of Huntsville and environs, aggregated $90,000.00. With speed, commensurate with the magnitude of the task, the trustees set about making ready for the reign of prosperity of Triana was certain to enjoy in the immediate future, as they believed. Public buildings were erected, and large sums were expended in other municipal improvements. But, alas for Triana. The march of progress had no consideration for, and gave no heed to the plans and aspirations of her people. With the coming of railroads, a new factor in the

[9] Toulmin's Digest of Alabaam Laws, page 810. Edition 1823.
[10] *Ib.*, page 811.

world of commercial activities arose, revolutionizing the age-old methods of transportation. Triana was subjected to the inexorable fate of ultimate extinction.

With the designation of Huntsville, by Congress, as a meeting place for the Constitutional Convention, came recognition of its leadership in all matters pertaining to the commercial, governmental and political life of the Alabama Territory. Tribute to this supremacy was paid by no less a personage than the nation's chief executive, President Monroe, who visited the town in company with two cabinet officers on Tuesday, June 1st, 1819.[11] Flurry and excitement greeted the presidential party as it rode into the town on horseback, unannounced. Later, Clement Comer Clay at the head of a delegation of distinguished citizens called upon the president at his inn, and extended formal welcome to the town. The next day, Col. Tobey Jones entertained the presidential party with an elaborate banquet, at which were present one hundred of Huntsville's most prominent citizens. This memorable dinner was served in the assembly hall of the old frame building which stood till about twelve years ago, upon the southwest corner at the intersection of Franklin and Gates streets. It was in this same building that William Bibb was inaugurated as first governor of the State of Alabama, on November 9, 1819.

So great were the commercial activities of the community during this period, that money became very scarce, and promissory notes secured by droves of slaves, were to a great extent substituted therefor as a medium of exchange. This situation seems to have been acute and so fundamental, that "quo warranto" proceedings were instituted against the Planters' and Merchants' Bank, at Huntsville. Later, the directors of the bank, having given pledges by bond for the ultimate security of its business, the Legislature, by act of December 24th, 1822, suspended the quo warranto proceedings pending the resumption of specie payment by the bank not later than the 10th day of November, 1823. It was further provided that the charter of the bank should become void, if all payments were not made in specie on and after January 21st, 1824.[12]

The author after a diligent search of the records of those times, has been unable to find mention of the dissolution of the bank, as contemplated by that act of the Legislature. Hence

11 (Huntsville) Alabama Republican, June 5th, 1819.
12 Toulmin's Digest of Alabama Laws, page 63. Edition 1823.

the inference is indulged that the pressure of the times was relieved, and that this condition of the bank's affairs was adjusted in due course.

Madison county now had within its confines three incorporated towns. In addition to Huntsville and Triana, Hazel Green had been granted a charter by the Legislature on the 15th day of June, 1821, providing a government by a board of trustees. The first election of trustees was held on the first Saturday in August of that same year, at which all white male citizens over the age of twenty-one years residing within the limits of the town were permitted to vote. The town limits were as follows: "Beginning at a marked line on the Meridian road, near Robert Irwin's store and running north one-half mile so as to include all the space contained in one-fourth of a mile east and west of said road."[b]

The growth and development of Huntsville was unmistakably well rounded and proportioned. Every phase of municipal life had received its due consideration. Proper provision was made to stabilize and render permanent all those institutions contributing to the safety and well being of the inhabitants. It would appear, however, that in doing so the Legislature was called upon to work over time.

By act of December 10, 1822, Preston Yeatman and forty-eight others, members of the "Huntsville Fire Engine Company," were chartered as a body corporate, with the management of its affairs in a board of nine directors.[c]

EDUCATIONAL

Though much of the attention of her people was devoted to their own commercial and professional pursuits, and her material development, Huntsville's educational interests were not neglected. During these years numerous excellent private schools had been established in all parts of the county.

The first institution of learning established in the county, to receive aid from the State, was "Green Academy." To it a charter was granted by act of the Mississippi Territorial Legislature, on November 25, 1812, with William Edmonson, John Braham, William Lesley, James McCarty, Peter Perkins, Charles Buris, William Derrick, James Neeley, John Grayson, Henry Cox, Bennett Woods, Samuel Allen, Andrew K. Davis,

b Toulmin's Digest of Alabama Laws, page 836. Edition 1823.
c Toulmin's Digest of Alabama Laws, page 847. Edition 1823.

William Evans, and Nathan Powers, as trustees.[13] Green Academy was the first institution of its character established in the Territory. Agreeable to the act chartering Green Academy, the trustees held their first meeting at the court house of the county on "the Saturday preceding the third Monday in April," following, and proceeded "by lottery" for the benefit of said academy, to raise a sum not exceeding four thousand dollars.[d] Additional trustees for the academy were appointed by an act of January 22, 1814.

These additional trustees were, as named in the bill, David Thompson, John Moore, Francis E. Harris, James Manning, and Robert Thompson.[14]

On December 13, 1816, the Legislature appropriated for the academy the sum of $500 from the funds in the Territorial Treasury.[15] This, and the other moneys raised by lottery for the construction of academy buildings, remained unemployed for some time; the business of housing the institution not being completed till 1819, presumably from a lack of adequate funds.

The aid necessary for the erection of buildings was provided by the Territorial Legislature, by act of November 21, 1818,[16] whereby the Planters' & Merchants' Bank at Huntsville was authorized to increase its capital stock, and sell at public auction shares of the same, ninety per cent of the profits or excess arising from such sales to enure to the benefit of the Academy. By the same act, Lemuel Mead, Henry Chambers, Henry Minor, John M. Taylor, Clement C. Clay, and John William Walker, were designated as additional trustees.

The profits accruing to the academy from the sale of said bank stock were $2,000.00. This, together with the other moneys on hand, was employed—after a brief time—in the construction of academy buildings, on the lot now occupied by the city school of Huntsville, on the northeast corner, at the intersection of East Clinton and Calhoun streets.[17]

Though without buildings of its own during these years, Green Academy had been doing good work in the field of edu-

[13] Statutes of Mississippi Territory, page 56. Edition 1816.

[d] This method of raising moneys for public purposes had almost universal application, and was frequently resorted to and authorized by the Legislature.

[14] Statutes of Mississippi Territory, page 57. Edition 1816.

[15] *Ib.* Page 453.

[16] Toulmin's Digest of Alabama Laws, pages 45 and 46. Edition 1823.

[17] (Huntsville) Alabama Republican, November 10, 1820.

cation. For a long number of years it was the only institution affording advanced education, in the northern part of the State. Here most of the prominent men in this part of the country were trained. It was virtually without competition and had no peer in its field of service till the State University was established and was well under way.

Nor was the thought and effort of the people in matters educational, confined, alone to the tutelage of their youth. Religious organizations—of which, more later—and fraternal and social societies were yielded their moiety of consideration also. And it is not inappropriate to record here that the Huntsville Masonic Lodge was the first chartered in the State; having operated continuously under a dispensation from the Grand Lodge of Kentucky, granted it in 1811. A legend of the times proclaims that General Andrew Jackson, while on his frequent visits to Huntsville, often attended the meetings of the lodge, held in its present temple, situated on Lincoln street at the corner of Williams street.

Though probably not germane to the subject of education in its strictest sense, it is interesting to note the growth of sentiment in opposition to the custom of dueling. As early as February 10h, 1807, we find the Legislature of the Mississippi Territory memoralizing upon the subject, thus: "Whereas, from a false sense of honor, the inhuman, injurious and detestible practice of dueling, has been too often and unhappily resorted to, as a mode of adjusting or settling differences of small magnitude, between individuals; and whereas, this barbarous and savage conduct has of late attained a great degree of prevalence, to the destruction of the lives of some valuable members of society, and involving the feelings of others, who from principle and respect for the laws of their country, will not engage in this pernicious practice. Be it further enacted, etc.,"[18] therein proceeding to make it an offense against the laws of the Territory, and further requiring judges to charge the grand juries specially in respect thereto. That the business of dueling was done "decently and in order," when conducted according to the mandates of "The American Code of Honor," which, among gentlemen of the South, was as inflexible as the laws of the Medes and the Persians, can be little doubted. And the author, at the risk of wearying his readers, takes the liberty of here setting out this code in full; for, perchance, it may aid

[18] Statutes of Mississippi Territory, page 219. Edition 1816.

the future student of history, and be of interest to some who scan these pages.

"THE AMERICAN CODE OF HONOR"
By John Lyde Wilson.

The Person Insulted, Before Challenge Sent:

Par. (1). Whenever you believe you are insulted, if the insult be in public, and by words or behavior, never resent it there, if you have self-command enough to avoid noticing it. If resented there you offer an indignity to the company, which you should not.

Par. (2). If the insult be by blows, or any personal indignity, it may be resented at the moment, for the insult to the company did not originate with you. But although resented at the moment, yet, you are bound still to have satisfaction, and must therefore, make the demand.

Par. (3). When you believe yourself aggrieved, be silent on the subject, speak to no one about the matter, and see your friend, who is to act for you, as soon as possible.

Par. (4). Never send a challenge in the first instance, for that precludes all negotiations. Let your note be in the language of a gentleman, and let the subject matter of the complaint be true and fairly set forth, cautiously avoiding attributing to the adverse party any improper motives.

Par. (5). When your second is in full possession of the facts, leave the whole matter to his judgment, and avoid any consultation with him, unless he seeks it. He has the custody of your honor, and by obeying him you cannot be compromised.

Par. (6). Let the time of demand upon your adversary, after the insult, be as short as possible; for he has the right to double that time in replying to you, unless you give some good reason for your delay. Each party is entitled to reasonable time to make the necessary domestic arrangements, by will or otherwise, before fighting.

Par. (7). To a written communication you are entitled to a written reply, and it is the business of your friend to require it.

Second's Duty Before Challenge Sent:

Par. (1). Whenever you are applied to by a friend to act as his second, before you agree to do so, state distinctly to

your principal that you will be governed only by your own judgment, that he will not be consulted after you are in full possession of the facts, unless it becomes necessary to make or exact the amend honorable, or send a challenge. You are supposed to be cool and collected and your friend's feelings are more or less irritated.

Par. (2). Use every effort to soothe and tranquilize your principal; do not see things in the same aggravated light in which he views them; extenuate the conduct of his adversary whenever you see clearly an opportunity to do so, without doing violence to your friend's irritated mind. Endeavor to persuade him that there must have been some misunderstanding in the matter. Check him if he uses opprobrious epithets toward his adversary and never permit improper or insulting words in the note you carry.

Par. (3). To the note you carry in writing to the party complained of you are entitled to a written answer, which will be directed to your principal, and will be delivered to you by his adversary's friend, if this note be not writen in the style of a gentleman, refuse to receive it and assign your reasons for such refusal. If there be a question made as to the character of the note, require the second presenting it to you, who considers it respectful, to endorse upon it these words: "I consider the note of my friend respectful, and would not have been the bearer of it if I believed otherwise."

Par. (4). If the party called on refuse to receive the note you bear, you are entitled to demand a reason for such refusal. If he refuse to give you any reason, and persists in such refusal, he treats not only your friend but yourself with indignity, and you must then make yourself the actor by sending a respectful note, requiring a proper explanation of a course he has pursued toward you and your friend, and if he still adheres to his determination you are to challenge or post him.

Par. (5). If the person to whom you deliver the note of your friend declines meeting him on the grounds of inequality, you are bound to tender yourself in his stead, by a note directed to him from yourself, and if he refuse to meet you, you are to post him.

Par. (6). In all cases of the substitution of the second for the principal, the second should interpose and adjust the matter if the party substituting avers that he does not make the quarrel of his principal his own. The true reason for substitution is, the supposed insult of imputing to you the like in-

equality which is charged upon your friend, and when the contrary is declared, there should be no fight; for individuals may well differ in their estimates of an individual's character and standing in society. In the case of a substitution and a satisfactory agreement you are then to inform your friend of all the facts whose duty it should be to post in person.

Par. (7). If the party to whom you present a note employ a son, father or brother, as a second, you must decline acting with either, on the ground of consanguinity.

Par. (8). If a minor wishes you to take a note to an adult, decline doing so on the grounds of his minority. But if the adult complained of has made a companion of the minor in society, you may bear the note.

Par. (9). When an accommodation is tendered, never require too much; and if the party offering the amend honorable wishes to give a reason for his conduct in the matter, do not, unless offensive to your friend, refuse to receive it; by so doing you heal the breach the more effectively.

Par. (10). If a stranger wish you to bear the note for him, be well satisfied, before you do so, that he is on an equality with you, and in presenting the note, state to the party the relationship you stand towards him, and what you know and believe about him; for strangers are entitled to redress for wrong as well as others, and the rules of honor and hospitality should protect them.

The Party Receiving the Note Before Challenge:

Par. (1). When a note is presented to you by an equal, receive it, read it, although you may suppose it to be from one you do not intend to meet, because its requisites may be of a character which may be readily complied with. But if the requirements of the note cannot be acceded to, return it through the medium of your friend, to the person who handed it to you, with your reason for returning it.

Par. (2). If the note received be in abusive terms, object to its reception, and return it for that reason, but if it be respectful return an answer of the same character, in which, respond and openly to all interrogatories fairly propounded, and hand it to your friend, whom, it is presumed you have consulted, and who has advised the answer, directed to the opposite party, and let it be delivered to his friend.

Par. (3). You may refuse to receive a note from a minor, if you have not made an associate of him; one that has been

posted; one that has been publicly disgraced without resenting it; one whose occupation is unlawful; a man in his dotage and a lunatic. There may be other causes, but the character of those enumerated will lead to a correct decision upon those omitted. If you receive a note from a stranger, you have a right to a reasonable time to ascertain his standing in society, unless he be fully vouched for by his friend.

Par. (4). If a party delays calling upon you for a week or more after the supposed insult, and assigns no cause for the delay, if you require it, you may double the time before your reply to him; for the wrong cannot be considered aggravated if borne patiently for some days and the time may have been used in preparation and practice.

Second's Duty of the Party Receiving a Note Before Challenge Sent:

Par. (1). When consulted by your friend, who has received a note requiring an explanation, inform him distinctly that he must be governed wholly by you in the progress of the dispute. If he refuses, decline to act on that ground.

Par. (2). Use your utmost efforts to allay all excitement which your principal may labor under, search diligently into the origin of the misunderstanding; for gentlemen seldom insult each other, unless they labor under some misapprehension or mistake; and when you discover the original ground of error, follow each movement to the time of sending the note, and harmony will be restored.

Par. (3). When your principal refuses to do what you require of him, decline further action, on that ground, and inform the opposing second of your withdrawal from the negotiation.[19]

References:—Brewer's *Alabama;* Judge Taylor's *History of Madison County; Northern Alabama;* Huntsville Directory 1859; Parton's *Life of Jackson;* kindness of many older citizens; newspaper files and clippings.

[19] This compilation of the Code, by Mr. Wilson, is very probably of a later date than that here dealt with in this chapter, however, so far as the author has been able to ascertain, the fundamental principles of the American Dueling Code have remained unchanged throughout all time, and no doubt are the same, even as to detail, prevailing during this period.

Chapter IV.

ECONOMIC, POLITICAL AND SOCIAL CONDITIONS, FROM 1820-1861

Commercial Development—Historic Landmarks—Economic Status of Slavery As an Institution—Transportation. Civic and Public Institutions, Religious and Educational—Makers of National, State and Local History.

COMMERCIAL DEVELOPMENT

HAVING, in the chapter just preceding, traced the development and growth of Huntsville from its founding to this period, so Aladin-like in its brilliancy, the reader of these pages will, no doubt, pursue with keen interest history's record of her unstayed commercial development.

As we have already observed, the census of Madison county, taken in 1820, showed a total population of 19,565, an increase of 5,365 over that of 1816.[1] Though this enumeration of the county's inhabitants did not reveal what proportion thereof were residents of Huntsville, the census of the town taken two year's later furnishes a fair basis for estimating its population at that date. This census of 1822 discloses that living within the corporate limits were:

White males over 21	308	
White males under 21	188	496
White females over 21	157	
White females under 21	180	337
		833
Male slaves	220	
Female slaves	228	448

[1] (Huntsville) Alabama Republican, December 29th, 1820.

Free males of color	12	
Free females of color	13	25
		[2]473
Total		1,306

Huntsville with a total white population of 833, in these early days was a veritable "center of population." No town in Alabama, and few in this part of the South, had greater numbers. Nor was the country—as a place of residence—deserted. Much of the refinement and wealth of the county was still to be found in the spacious and magnificent homes upon the plantations.

The county, according to statistics of Alabama, gathered in 1821, had within its limits twenty-two doctors, and (nothwithstanding this) 1,520 free white males subject to poll tax. The assessed value of time-pieces belonging to the inhabitants was $9,264.25, there being in the county fifty-six gold and one hundred and ninety-nine silver watches and thirty-six clocks.[3] The number of doctors, polls taxable, and the chattels mentioned, being three times greater than that of any other county in the State.

The commercial interests of the community developed apace with its advance in population, and a healthy condition of thrift and prosperity attended all business interests.

Diversified industry was not lacking; every character of enterprise from the brewing of beer, by W. M. McNeil & Co.,[4] to the tanning of leather, by Martin Miller, was to be found here, including Keys' & Wells' "New Boot and Shoe Manufactory,"[5] and the "Huntsville Hat Manufactory," operated by R. H. Champion on Bank Row;[6] also "Watch and Clock Making," by Thomas Cain & Co.;[7] as well as the manufacture of "copper stills,"[8] which, judging from the number of firms engaged therein, were in pretty general use. In addition to these industries, others, similar in nature, were operated by competitors of the firms just named. Many others of varied and different character, supplied the needs of this part of the State.

[2] (Huntsville) Alabama Republican, June 21, 1822.
[3] (Huntsville) Alabama Republican, March 3, 1821.
[4] (Huntsville) Alabama Republican, September 29, 1820.
[5] (Huntsville) Alabama Republican, December 29, 1820.
[6] (Huntsville) Alabama Republican, January 18, 1822.
[7] (Huntsville) Southern Advocate, June 10, 1825.
[8] (Huntsville) Southern Advocate, June 16, 1826.

Only within the past few years—relatively speaking—have candles, as a means of lighting the home, been superseded. During these years there was great demand for them, and to supply this demand a "Candle Manufactory," was operated by I. Windham, on the lot opposite the present county jail, at the intersection of East Clinton and Green streets, on the southwest corner.[9] Pumps were also manufactured here, to be used in connection with the water works ssytem already established at Huntsville.[10] Just how patrons of the water system used these pumps, the author is at a loss to explain.

The census was again taken in 1825, and there were found to be within the town limits:

White males over 21	308	
White females over 21	170	478
White males under 21	219	
White females under 21	229	448
		926
Free persons of color	44	
Slaves	542	586
Total		[11]1,512

These figures show an increase over the count of 1822 of 206, however, it will be found, upon reference, that the male population over twenty-one years of age, is exactly what it was in 1822, while the females of the same class are fewer by eleven, and that the increase is in the infant and colored population.

A relatively similar state of affairs is revealed by the census of 1828, which accredits to Huntsville:

White males over 21	313	
White females over 21	165	478
White males under 21	267	
White females under 21	263	530
		1,008

[9] (Huntsville) Southern Advocate, March, 1831.
[10] (Huntsville) Southern Advocate, May 18, 1827, and March, 1833.
[11] (Huntsville) Southern Advocate, April 7, 1826.

Free people of color	47	
Slaves	719	766
Total		[12]1,774

Though at this immediate period Huntsville's adult white population was of slow growth, the birth rate would appear to have been such as to gratify the most exacting. While the white population did not increase with any great rapidity, let us remember that the county was fast filling up with new comers, and becoming thickly settled in its more remote sections. The establishment by the Government of post roads, contributed in no small measure to the accomplishment of this end.

As early as 1820, provision had been made for the consumption of the cotton crop of this and adjoining counties, by the conversion of the raw product into yarn; as appears from an interesting advertisement in the (Huntsville' Alabama Republican, of September 29, 1820, which is here copied:

"Cotton Factory."

"The proprietors of the Cotton Factory at Haughton's Mill, near the Three Forks of Flint River, would inform the inhabitants of Madison and adjoining counties, that they have made some additions to their machinery, and have constantly on hand an assortment of spun cotton, which they will exchange for good, clean seed cotton on accommodating terms.

Horatio Jones & Company."[13]

The author has been unable to determine just where "near Three Forks of Flint" this factory was located; whether on the west fork, just before it joins the north fork, or a short distance south of the confluence of these two forks. It is certain, however, that water furnished the motive power for this factory.

During the first fifteen years of this period there were erected some large factories, which turned out in quantities, far in excess of the demands of the local market, commodities necessary to the industry and life of the South.

In the early part of 1834, a plant for the manufacture of

[12] (Huntsville) Southern Advocate, April 18, 1828.
[13] (Huntsville) Alabama Republican, September 29, 1820.

plows was owned and operated by E. T. & R. Parker.[14] This firm enjoyed an extensive business for a number of years, and supplied the trade over an extended territory.

During the later part of this period, new enterprises continued to invade the field of industry. One of these, greater in magnitude than many such which had been in operation here for years, was a coach factory, established some time prior to April, 1851.[15]

The most noteworthy single industrial development of the times, was the "Bell Factory." Though cotton had, as we have seen, been converted into yarn for domestic uses, not until 1832, when "Patton-Donegan & Company" was incorporated for the manufacture of cotton cloth, was the raw product converted on a large scale for commercial purposes. The company's plant was situated about ten miles northeast of Huntsville, on its own lands, very extensive in area, at what is now Bell Factory, on Flint river, a short distance south of the confluence of the three forks of Flint, at the bridges. The power used in the operation of the three thousand spindles and one hundred looms of this mill, was that furnished by damming the water of Flint, and forcing them over a wheel or turbine. Steam not being used in its operation, signals could not be given by whistle, and in lieu thereof a large bell was used; hence the name "Bell Factory." This was the first cotton manufactory of any consequence in the South. Slave labor was used almost exclusively in its operation. In later years, economic forces, too patent and numerous to discuss here, drove this industry from its field of usefulness, and its operation was discontinued, though at the present time the old building stands.

To summarize, at the close of this period, Huntsville had three weekly papers: Southern Advocate, Huntsville Independent, and Huntsville Democrat; four architects, twenty-four lawyers, three brick manufactories, three hotels, twelve doctors, a bank with a capital of $500,000; seven schools, two stage lines, two civil engineers, two saloons, one cotton and woolen manufactory, one cotton gin manufactory, one flour mill,[16] and other industries and enterprises too numerous to mention. However, these alone will suffice to show the thrift and stability of the commercial development of Huntsville.

14 (Huntsville) Southern Advocate, July 1, 1834.
15 (Huntsville) Southern Advocate, April 7, 1851.
16 Huntsville Directory, 1859.

HISTORIC LANDMARKS

Much of the wealth, culture, and refinement of the times was to be found here. Expression of the æsthetic in Huntsville's domestic life was given full vent, as is mirrowed in the elegant and commodious residences erected in the early days.

Many of these edifices, the architecture of which is so striking in its grandeur and beauty, yet so appealing in its simplicity, still mark the places of their erection. We might pursue the study of this art of graceful expression which we choose to term affectionately, even boastingly, "Southern architecture," with some interest and much profit, but suffice it to say, these products of that art are monuments to the skill and ability of its executors. Few parts of the State, if any, equaled Huntsville in wealth of handsome homes.

In 1815 there was erected amid a grove of splendid oaks, on the southwest side of town, on what is now Oak avenue, probably the handsomest home in the State, for a number of years. The spacious lawn in front of this elegant abode was decorated with beautiful formal gardens, and winding approaches to the entrance were hedged about with rows of dignified box. The beauty and charm of this place—known of all times as "The Grove," is still impressively evident, even to a casual observer, though time has not dealt gently with this, the habitat of the Davis family.

Almost at this same time was under construction the home of Col. Leroy Pope, which occupied the eminence of a jagged and picturesque bluff, just north of the present intersection of Adams avenue and Williams street, now known as Pope's or Echol's Hill. The brick for the house were manufactured in Tennessee, and shipped on flat boats down the Tennessee river to Ditto's Landing, from whence they were hauled by wagon to Huntsville. As do the tropics produce a race of men different in habits of life, character and aspirations from those of a more temperate zone, so it would seem that this domicile of Leroy Pope, and later of Leroy Pope Walker, occupying as it did, the most exalted and commanding position in the town, furnishes a replica of the personalities and achievements of these two leaders of the thought and action of their times. Posterity may view with profitable concern this, the residence of the first Secretary of War of the Confederate States of America, for time has not dealt unkindly with it. He it was who issued the order to fire upon Fort Sumter in 1861.

Through these years, many other notable residences were erected, too numerous to here depict; however, it is worthy of comment that the home of the late Col. W. W. Garth, on the east side of Franklin street, was completed in 1820, by Dr. Thomas Fearn. Contemporaneously, the Clay residence on the north side of Maiden Lane, was built. Here lived Senator Clement Comer Clay; here also was born and reared his even more illustrious son, Clement Claiborne Clay, who became United States Senator, resigning his seat in that body to enter the same legislative council in the Confederate government.

Probably the most worthy exponent of "Southern architecture," the truest of the type produced by that noble art, is the Beirne home, on the south side of Williams street, opposite the intersection of Green street. This magnificent edifice, erected in 1837, at a cost of $32,000.00, and the expenditure of nine years of labor is, in its present wonderful state of preservation, in the opinion of many worthy critics, the most expressive exponent of the grandeur, dignity and unadorned beauty and simplicity of the times, now extant.

Next to this stately structure, which was erected by Governor Thomas Bibb, for his daughter, Mrs. James Bradley, Henry Minor had built his home on the west side thereof, upon the lot now occupied by the residence of the late Col. A. S. Fletcher. The Minor home, similar in style and character to the Beirne residence, was removed a few years ago to make place for the present beautiful modern structure.

Many beautiful homes had also been erected throughout the county. One of the earliest of these, yet well preserved, is the Robinson home on the west side of Meridian Pike, built in 1835.

Nor was the æsthetic in the civic and commercial life of the town neglected. On July 5, 1835, the erection of Madison's second temple to the Goddess of Justice was commenced, and in 1836, at a cost of $52,000.00 was completed. The graceful lines and enduring architecture of the old court house, conceived after the Parthenon at Athens, which expressed the acme of perfection attained by the ancients in this art, was a monument to the skill and ingenuity of George Steele, a local architect of no mean renown. Messrs. William Wilson and James Mitchell were the contractors. The materials for the building came from the county. The brick were made by the

contractors on the lot to the rear of the present jail, while the white and blue limestone rock used in its construction were quarried from Monte Sano, and Russell's Hill, respectively.

This noble structure, upon whose bench and at whose bar had appeared many of the greatest lawyers known to the State; and whose four walls had oft resounded with the most burning and purposeful oratory of all times, so eloquent in its pathos; this shrine of justice upon whose alter sacrifices of injustice were offered, by an alien and unsympathetic government, during the dark days of Reconstruction, in its efforts to force the Caucasian race to pass beneath the yoke of Ethiopian supremacy, was rased on July 5, 1915, after a usefulness of seventy years.

When the first court house was torn away in 1835, the market house, which up to this time had occupied its basement, was removed to the east side of the square, where a brick structure housed it, situated somewhere upon the property where the Holding block now stands.

Some time in 1832 use of the old wooden jail was discontinued, and a new one of brick, more in keeping with the tendencies of the times, was erected, upon the site occupied by the present bastile.

The home of the First National Bank, so striking in its dignified simplicity, is no less a monument to the talent of George Steele, than was the old court house. This striking edifice, which lends so much of character to the community, was erected in 1836, at a cost of $76,000.00, as the abode of the Huntsville branch of the State Bank.[17] It is said to have been far and away the handsomest building in this part of the South.

ECONOMIC STATUS OF SLAVERY AS AN INSTITUTION

We are not interested to know the mere fact that slavery as an institution was nurtured upon our soil; but, we are concerned with the inquiry as to the status of the same as such.

As we have previously observed, the slave population of the town and county grew with marked rapidity. This is explained by the fact that great numbers of slaves were brought into the county and sold in the open market, especially during the early part of this period. Many of these slaves had some degree of intelligence and had acquired limited manual and domestic

[17] An itemized statement of the total cost of this building can be found in the Southern Advocate of January 26, 1836.

training; many more were merely plantation hands; seldom, if ever, having come in touch with the civilizing and uplifting influences attendant upon service about the home of the master. The former class longed to return to the haunts of their childhood, and mingle again among their companions "back on the old plantation." Those of the latter class, many of whom very probably were neither born nor reared in slavery but were sold into servitude, chafed under the restrains of regular labor among companions, who in some instances could neither understand, nor be understood by them. By this time, the menace of the Indians to the fugitive slaves, was largely a thing of the past; they having withdrawn from this part of the country, except in rare instances.

No source of information is more reliable and enlightening than records contemporaneous with the matter under consideration. None such is more comprehensive than a newspaper file of the times. It is to this latter source that the author has turned in an effort to grasp the spirit of the times and its attitude toward slavery as an institution. Throughout the first fifteen years of this period, the papers carried many advertisements for "runaway slaves," similar to the few here quoted:

"$100.00 Reward."

"Ran away from the subscriber, Oct. 1, 1819, an African negro man, named "Jack;" 33 years old, speaks bad English, but may be understood."

"William Whitesides."[18]

"$150.00 Reward."

"Three negro fellows. Will probably return to Virginia, from whence they came."[19]

"Ran Away"

"Negro man named "Bob;" will probably make for the Cherokee or Choctaw Tribes."[20]

Each of these advertisements and others similar thereto, was accompanied by the rude cut of a negro, male or female, as the case was, in a fleeing posture; and in some instances by more elaborate cuts depicting the fugitive with a stick across the right shoulder, on the end of which was carried a small bundle tied up in a bandana handkerchief.

18 (Huntsville) Alabama Republican, September 22, 1820.
19 (Huntsville) Alabama Republican, October 6, 1820.
20 *Ib.*

The most striking feature of these advertisements is the total absence of any description of the escape, whereby he or she might be recognized. None was needed and none was given. This for the very sufficient reason that, throughout the entire South, where slavery existed, a more or less competent and comprehensive patrol system was maintained. No slave was permitted off the premises of the master, and only in rare instances out of his slave quarters, without a special permit. Free negroes were scarce, and usually well known. Hence, we see the matter of capturing a fugitive slave resolved itself into the simple office on the part of the patrol to take up any negro seen upon the highway, day or night, unattended by some person in authority. Nor was it an easy matter for a run-away to travel across country; since, in doing so he almost invariably came in contact with some slave overseer, or owner, to whom he was unknown; whereupon he was promptly arrested. To the escape, the difficulty in getting food was no inconsiderable obstacle. To obtain it he was almost necessarily compelled to approach some white man, or his habitation. There were few, if any, negro homes about the country. The tendency, if any there was, to assist an escape was discouraged and effectually checked by the laws of the land, which made it a crime to aid or abet a fugitive slave. These, and other statutes of a similar character, effected to make of every citizen, more or less, a member of this patrol force.

If, perchance, the slave arrested was a fugitive, he was returned to his master, who administered appropriate punishment. If not a fugitive but merely a prowler without permission, which was rarely granted, he was taken back to his quarters, where he received commensurate correction at the hands of the overseer or master. Recognition of the dangers of being caught abroad after dark, is made by the negroes themselves, in their folk songs, which contains more of melody than of sentiment; the chorus of which is: "Run Nigger! Run, the Pattirol 'ill git you."

The summary manner in which the slave larcenist was dealt with, is portrayed in the following terse news item appearing in the Alabama Republican, of September 22, 1820:

"Collins, convicted of negro stealing, has been sentenced to be executed on the first Friday in December."

In addition to the sale of negroes brought into the county, the local market was kept pretty active through the desultory selling of slaves, in small numbers, by the citizens; not as slave

traders, however, but merely the buying and selling in ordinary business intercourse as of any other chattel.

The advertisements of slaves offered for sale go more into descriptive detail than do those offering rewards for fugitives; at least as to the good points of the subject; as appears from the following taken from the numerous instances found in the newspapers of that day:

"A Negro for Sale."

"Will be sold on Monday, April 27th, next, for cash, at auction, in Huntsville, a likely negro girl."[21]

"For Sale."

"Two likely negro boys, from twelve to fourteen years old. Also a woman, age about thirty-five, a trusty servant, good cook, washer and ironer. For terms apply to:

A. D. Veitch."[22]

By the end of 1835, conditions seem to have changed. The papers of this period rarely carried advertisements of escapes. Striking in comparison, notices of sales were likewise infrequent.

During the year of 1830, the sentiment rapidly forming at the North for the abolition of the institution of slavery, was spreading, and had become a matter of interest and concern to our people. Societies were being formed throughout the East for the promotion of the cause. Chiefest among these was the "American Colonization Society," which had many branches and auxiliaries, such as the "LaGrange Colonization Society."[23]

That the East was the breeding ground for these societies and such sentiments,—laudable or otherwise, the author does not assume to judge—causes us little less surprise than does the knowledge that no such organizations became overt and no such sentiments were enunciated publicly till slavery had ceased to exist as an institution upon its own soil.

Had this movement to free slaves, the advisability of which had been up for discussion and thoughtful, even almost favorable consideration by the South's leaders in economic and political life, come from a quarter other than that from which many of the slaves they now sought to liberate had been purchased and paid for, the South, no doubt, would have been more sympathetic and less suspicious of the good faith and

21 (Huntsville) Alabama Republican, March 16, 1821.
22 (Huntsville) Alabama Republican, September 15, 1820.
23 LaGrange, Franklin county, Alabama.

honest motives of those so vociferously clamoring. The ostensible and avowed purpose of all these abolition societies was to liberate slaves, not at an economic loss to the South, but gradually and systematically. Slaves so freed were to be transported to Africa, and there colonized under a government of their own establishment. Toward these ends the South was not hostile.

Strange to say, as early as 1830, Huntsville papers began the publication of matter condemnatory of slavery. True enough, editorials to this effect were rare, yet not infrequently in the news columns were to be found lengthy items anent the work of these societies. In the Southern Advocate of May 1, 1830, there appeared two ponderous articles, copied from the Washington Spectator; one of which applauded the proposed "good work" of the American Society, stating at length its proclaimed purposes; the other similar in its tendencies, though not so general, exclaiming praises for LaGrange, Franklin county, Ala., where a chapter of the parent society had been formed. From this day forward, articles endorsing the work of the society and lauding the movement appeared from time to time, and not infrequently in the local papers. Most of these items, however, were extracts from foreign papers.

At all events, this constant propagation of these panegyrics had its effect, locally; for some time in 1832 an auxiliary of American Colonization Society was organized at Huntsville; the meetings being held in the Presbyterian Church. Memberships in this society were held by some of Huntsville's most prominent men; a goodly number of her citizens were counted among its sympathizers and attended its meetings. The officers of this branch were: M. S. Watkins, president; Thos. Fearn, W. I. Adair, A. G. Vaughan, A. F. Hopkins, vice-presidents; C. P. Clifton, secretary; John Martin, treasurer; R. L. Fearn, D. M. Wharton, E. Picket, J. G. Birney and S. D. Morgan, managers.[24]

Regular orthodox "abolition" speeches were the order of the day when this society met. Its members were unstinted in their accusations against the institution of slavery, as one of "injustice and cruelty." The public expressions of E. R. Wallace and James G. Birney, were characterized by vindictive denunciation of the whole system.

A kindly spirit of indulgence, even sympathetic attention, was accorded the abolition movement and its supporters, in

[24] (Huntsville) Southern Advocate, September 29, 1832.

Huntsville, and generally throughout the whole South. Not until it became evident that the aims of these societies were ulterior to those proclaimed for them, did this attitude change. This difference in sentiment was brought about by a realization of the fact that the paramount object of these societies was not the colonization of the slave, but his liberation by force, by aiding him to escape or inciting him to rebellion. The social, economic and political status of the South was thus menaced with the rude ignorance of a race of servitors, who had never invented any effectual weapons of defense or destruction, and then, seemed so incapable of comprehending any extensive plans of government. Probably, this altered condition of the public thought was aroused by the approach of the threatening storm at an earlier date in Huntsville than anywhere else in the South. For the reason that the usual placid condition of the South generally was being irritated to an unprecedented degree, just at this time, by the attitude at the North toward the Nullification Acts passed by South Carolina. Not that the South applauded the stand taken by Carolina, but because of the fact that the tendencies of the discussions indulged in the East and North, questioning, by innuendo, at least, the sacred doctrine of States rights, seemed to presage a conflict that would ultimately involve state as against national sovereignty, thereby, incidentally, threatening the institution of slavery. In addition to this, a more local cause was to be found at Huntsville, in the person of James G. Birney, the arch "agitator" and uncompromising "dictator" of the whole wretched business. Birney later became the first candidate for the presidency of the United States on the abolition ticket.

The caldron having begun to boil, editorials in answer to abolition speeches made in Alabama and elsewhere, were not infrequently seen in the papers. Many and heated were the discussions in the press as to South Carolina and her Nullification Acts. These, as a general thing, were condemnatory of Carolina's proposed action. At first, the almost universally outspoken sentiment in Huntsville and other North Alabama towns, as expressed by resolutions passed at mass meetings held for the purpose, was:

"Condemning the action of South Carolina and pledging themselves for the support of the Union." Later, when it became manifest that the North, as a political section of the country, had neither respect nor regard for the obligations of constitutional government, the very foundation stone of which,

as it then existed, was state sovereignity, and even less of a sympathetic understanding of the South's economic status, this accusing of South Carolina gave place to a feeling of sympathetic toleration.

In 1833, locally, at least, this manifestation of public concern reached the height of its intensity; due in no small measure to the pernicious activities of Mr. Birney.

By this time, he had become an out-and-out advocate of the total and immediate abolition of slavery, and his public expressions would indicate a desire on his part to "out-Herod Herod." Having already responded with alacrity, to the Macedonian call, by accepting a commission from the American Colonization Society as its "General Agent for the States of Tennessee, Alabama, Mississippi, Louisiana and Arkansas Territory." He dallied, however, sufficiently long to reweld the shackles upon his numerous slaves, by selling them into continued servitude.

On May 21, 1833, he commenced the publication of a series of fifteen letters to the public, through the columns of the Southern Advocate, for the avowed purpose of "explaining the aims and intentions of the American Colonization Society."

The "African Repository," the official journal of the society, records and makes mention of only seven of these letters. This same mistake is made by the narrator of "The Life and Times of James G. Birney." However, it has been the author's good fortune to unearth the remaining eight, from among the files of the (Huntsville) Southern Advocate of 1833. It is to these latter letters, that the future student of history must and will turn with an acute interest, in order that the "Life and Times of James G. Birney" may be understood and interpreted amid the proper lights and shadows. The known existence of these other letters is of more than ordinary concern to Huntsville; for thereby she is furnished unimpeachable evidence with which to combat the maligning statements made about her and her people in that colossal misrepresentation of fact, "The Life and Times of James G. Birney." To one who has searched the files of all of Huntsville's newspapers of those times, and found account of only one "drinking and shooting brawl," or chronicle of murderous or disorderly conduct, (not to mention having read all and particularly the fifteenth of Birney's letters, which latter one is unmistakable in its admissions), it comes as a great surprise that the son of this man, in writing of his "Life and Times," should seek to create the belief that his father left Huntsville because moral conditions were so

depraved, and shooting and drinking brawls so frequent that one's life was not safe there.

Just why the American Colonization Society, recorded in its circulating medium the "African Repository," but the first seven of these letters of its general agent, for whom the highest regard was held at the North, is unexplained; unless it be that the latter eight, hurling venom-coated invectives, with unabashed spleen at the entire South and her institutions, revealed all too clearly and with embarrassing and damning frankness, the true sentiments it vouched for, and the doubtful sincerity of its avowed purposes. At all events, these letters were evidently suppressed by the society itself in advance of the suppression of their continued publication at Huntsville, of which, more later.

The first of these letters appearing, as we have observed, on the 21st day of May, 1833, was mild and gentle in its approach to the subject discussed, and was little more than an introduction of those to follow. The second informed the public that the "Society seeks support by the exhibition of facts through the press, auxiliary societies, and authorized agents," that unanimity was not to be expected, suggesting the temper with which the investigation should be conducted. "Objection in the South that the colonization plan originated in the free states," "Sentiment of distinguished gentlemen at the North," "Objects of the abolitionists examined," were the subjects considered in the third, fourth and fifth installments, respectively; while the sixth and seventh were continuations of the fifth; the remaining eight, by degrees contained more of bile and less of balm. Their author finally dealt rudely and not impersonally with the South and its institutions, until the fifteenth was reached on August 20, 1833. In this he reveals that he had many more such to publish, but at the request of Huntsville's citizens he would discontinue the discussion; closing with the expressions of regret that this course had become necessary.

Mr. Birney was one of Madison's representatives in the first State Legislature, which met here; and from time to time had been honored with positions of trust and confidence by her people, who had both respect and regard for him.

But this prophet Birney, for he was "not without honor save in his own country;" this Joshua, who, thought to "teach the planets in what orbs to run, reform old time, and regulate the sun," by his letters, conduct and public utterances, produced a revulsion of sentiment among his former friends and adherents.

Now, they no longer gave heed to him. This "abolitionist" and "dictator," who, under the pretense of "Colonizing the free people of color of our country upon the continent of Africa; ("the plan to embrace those who are now free, their descendants and such slaves as may hereafter be manumitted voluntarily by their owners, or, in accordance with the laws of any of the states"),[25] had gained the sympathetic assistance of Huntsville's citizens. Birney, having become generally obnoxious, hied himself to more congenial climes—by invitation. "Wisely he sought some other shore, where those who knew him less might praise him more." Accordingly, in the early part of 1834 Mr. Birney took his departure for the North, where he became a leader of thought and action concerning the abolition of slavery. While a resident of Huntsville, Mr. Birney occupied the brick house, now the home of Hon. Ben. P. Hunt, situated on the north side of East Holmes street, opposite its intersection with North Lincoln street.

With the going of Birney, the last of the disturbing influences was removed, for by this time the Nullification Acts of South Carolina had ceased to occupy the public mind. Undivided attention was again turned to internal and commercial improvement and development.

During the remainder of this period, advertisements for escapes and sales of slaves were conspicuous by their absence; though from time to time discussions of slavery appeared in the local press.

This tranquillity of the public mind remained undisturbed until about 1851, when we again find the South's attention immersed in a more pressing consideration of the subject. In the columns of the press frequent editorials were to be found, condemning "abolitionists" and "disunionists," advising the one to "keep their head," and the other to "keep their eye."[26] Many editorials discussed and attempted to define the causes tending to promote "disunion." The outspoken sentiment of the times was of the deepest and bitterest reproach for both.

About August 6, 1851,[27] under authority of law, an election was held, to ascertain the sentiment of the county toward "Secessionists, agitators and dictators," which resulted in an overwhelming denunciation of all. At this same election the

[25] African Reposltory, Vol. 9, page 171.

[26] (Huntsville) Southern Advocate, year of 1851, and other local papers.

[27] *Ib.* August 6, 1851.

proposition of increasing the public subscription to the further development of the Memphis and Charleston Railroad, was submitted, as aforesaid.

The attitude of the North toward South Carolina revitalized and became again an acute irritant. The people throughout this section pitied but did not approve South Carolina's stand. Pointed editorials were written censuring the North for its treatment of her.

The scope of this work is far too limited to attempt any further or more detailed analysis of this subject generally, upon which many volumes have been written and many more might well be written, but suffice it to say, from this time forward history, locally, is largely the same as that of the South generally.

TRANSPORTATION

As did the ancients, so have all races throughout every age, depended upon their waterways for transportation.

Being settled before the day of railroads, Huntsville and Madison county, likewise had recourse to the rivers and larger streams, with which this territory is so abundantly supplied, for commercial intercourse with the outside world. Almost contemporaneously with the production of cotton in the county, Flint and Paint Rock rivers were used to transport this commodity to the New Orleans market.

Flat boats or barges were loaded with cotton and floated down these streams to the Tennessee river, and there reloaded on to larger boats, which proceeded to New Orleans. Often times these river barges, when discharged of their cargoes, were reloaded with provisions and supplies for the settlement, and then poled or pushed back up Flint and Paint Rock rivers to the starting point.

Those sections of the county not contiguous to either of these streams, hauled cotton by wagon to Ditto's Landing and Triana, upon the banks of the Tennessee, where it was stored on large flat boats to await the coming of the freshets, usually in the spring. It was necessary to hold the cargoes till the river rose, in order that the boats might be floated over Muscle Shoals. Pilots were taken on at Ditto's Landing or Decatur, and remained with the crew till the rough waters at the shoals had been passed. For which services they usually received from $175.00 to $200.00. After crossing the shoals, these

river navigators would leave the boat to proceed on its trip to New Orleans, and walk back to the shipping point, from whence they had embarked. Usually two trips a year were made by each pilot. The expense to the freighter of transporting to market a cargo of cotton, consisting usually of four hundred bales, was approximately $600.00. The carriage charge to the shipper was from $4.00 to $5.00 per bale, and he assumed all risks of loss by water. This river navigation furnished the only means of transportation until the coming of the railroads to this section many years later. These were the boom days for Triana. Many cotton freighters maintained offices there. Judging from the many firms engaged in this business, competition was very keen. Nor was the local market alone, relied on to supply the freight, as appears from some of the advertisements in the local papers of that day, for instance:

"Lyn, Parker, Real & Hardie will ship cotton from any point on the Tennessee river, provided the cotton is there for the first rise in water."[28]

"Linsay & Toney will ship cotton from any point on Tennessee river above shoals."[29]

All such notices were published in connection with the cut of a somewhat pretentious steamboat loaded with cotton. However, cotton was not represented by bales of the present type, but by great oblong bags such as are now used for uncarded wool.

"All roads lead to Rome." This was equally true as to the Tennessee river. So, also, many roads tapped Flint river. These were the days when transportation by rail was not dreamed of; when navigable streams in proximity to a town gave it supremacy, and lasting supremacy, as then thought, over all other towns not so situated.

The feverish speculation in land having subsided, there followed naturally in its wake development of the county's resources, and internal improvements. Great was this activity. By 1828 the county had become a perfect network of roads, connecting on all sides with those from other sections of this and the adjoining State of Tennessee. This would seem to indicate that its citizens fully appreciated the commercial supremacy Huntsville was surely destined to exercise, by virtue

[28] (Huntsville) Alabama Republican, September 15, 1820.
[29] *Ib.*

of its nearness to the river; not to mention the certainty of transportation on the Big Spring Canal; and to this end had made ready. Nor were all these highways unimproved. Many of them were "toll or turn-pike," built by stock companies, chartered by the Legislature. Notices similar to the one here set out, were published in the papers not infrequently:

"I shall petition the next Legislature for leave to make a turn-pike road from Huntsville to Beaver-dam Fork of Flint on the Meridian road, and to receive a toll that shall be a fair compensation for my expense and labor. J. Renn."[30]

Though the author has been unable to locate a plat of the town as originally laid out, there is of record in the office of the probate judge of Madison county, in deed book "K," page 129, a sketch of the "prison limits" of Huntsville, prepared in 1826. This drawing furnishes a reasonably good map of the road system leading into the town, and is inserted for that reason. See following page.

Leading thoroughfares were from time to time designated by the Federal Postoffice Department, as post roads or mail routes, and by virtue of such selection became the main highways between the "great centers of population."

The earliest establishment of any comprehensive system of these post roads leading to and from Huntsville as a center, was on July 16, 1822, when R. J. Meigs, Jr., Postmaster General, issued an order creating the following routes:

304. From Huntsville to Triana, Mooresville, Cottonport, Melton's Bluff, or Marethon and Courtland to Russellville, three times a week, seventy-seven miles. Leaves Huntsville every Monday, Wednesday and Friday, at one P. M., and arrives at Russellville on Tuesdays, Thursdays and Saturdays, at eleven A. M.; and vice versa from Russellville to Huntsville.[31]

305. Leaves Columbus Tuesdays, Thursdays and Saturdays at one P. M., and arrives at Huntsville, Wednesdays, Fridays and Saturdays at 11 A. M.[32]

308. From Huntsville by Hillsboro and Hickory Flat to Winchester, Tennessee, once a week (a distance of fifty-two miles).[33]

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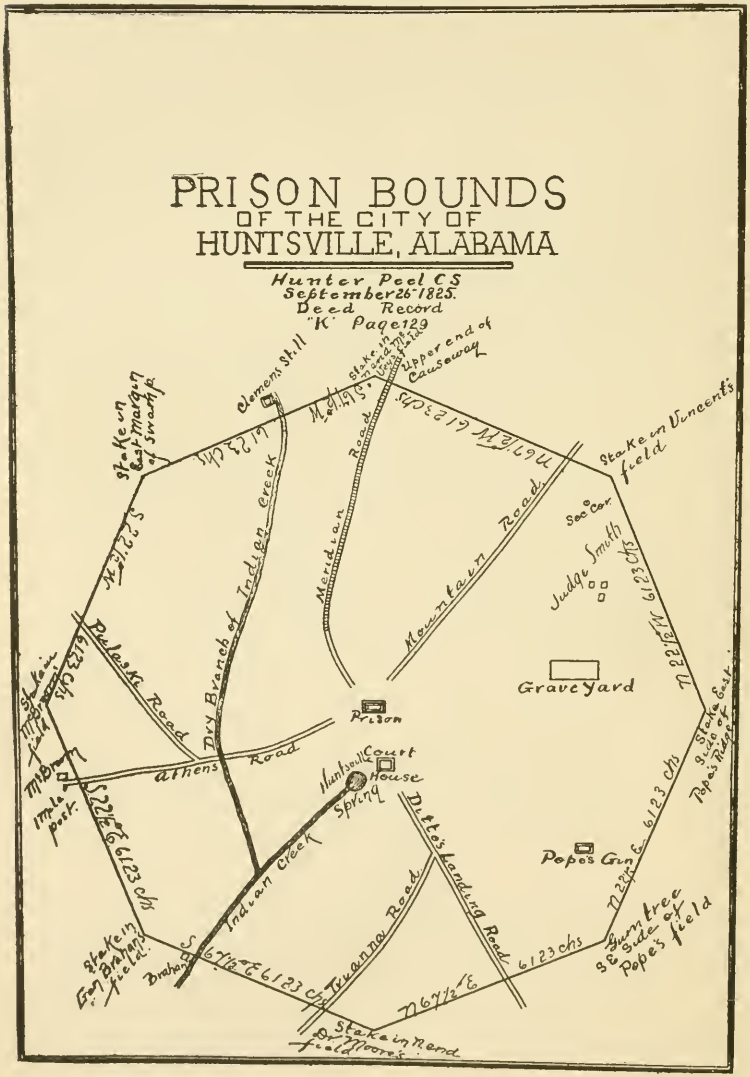
30 (Huntsville) Alabama Republican, September 22, 1820.
31 (Huntsville) Alabama Republican, August 16, 1822.
32 *Ib.*
33 (Huntsville) Alabama Republican, August 16, 1822.

309. From Huntsville to Jackson Court House, once in two weeks, forty-six miles.[34]



310. From Huntsville to Gaines Meads, Blount Court House, Jonesboro, etc., to Centerville, one hundred and three miles.[35]

[34] (Huntsville) Alabama Republican, August 16, 1822.
[35] *Ib.* Jonesboro is now a part of Bessemer.

311. From Huntsville to Bennett's Store, once a week, fifty miles.[36]

By the end of 1825 Blount Springs—famous as a resort until a few years ago—had become very popular with the leaders in the social life of Huntsville. To meet the increasing demands, a weekly stage was run between the two places by L. Morgan & Sons.[37]

Travel in these early days was either by horseback or stage. Hotels or inns generally were provided with stage coaches or hacks, for the convenience of their guests and the public at large. Much publicity was given through the press, of the possession of such coaches, for instance:

"A Four Horse Hack."

"On reasonable charges rented for any length of time or for any distance. Apply Huntsville Inn. I. Jones."[38]

As an indicia of the subject advertised, each of these was accompanied by the cut of a stage coach, drawn by four horses, in action.

The Tennessee river having become the main artery of commerce and travel; in recognition of the growing needs of the times, the Government established another mail route, advertised as follows:

"U. S. Mail Stage."

"From Eastwood via Huntsville to Tuscumbia and South Port, three times a week. This line is to accommodate steamboat passengers at South Port and Florence. Fare from Huntsville to South Port, $6.00 or 8c per mile.

James Eddington."[39]

After the completion of the Decatur-Tuscumbia Railroad, operation of which was commenced about December 30, 1834, a stage line was established from Huntsville to the river at Decatur. After crossing by ferry boat the train could be taken.[40]

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36 (Huntsville) Southern Advocate, August 16, 1822.
37 (Huntsville) Southern Advocate, June 17, 1825.
38 (Huntsville) Southern Advocate, October 14, 1825.
39 (Huntsville) Southern Advocate, December 16, 1825.
40 (Huntsville) Southern Advocate, December 30, 1834.

CANAL BUILDING

The enterprise of the inhabitants of the town and county was not wholly consumed with this business of establishing highways; for the citizens of Huntsville were concerned about providing the community with navigation at its very door, thereby fixing beyond all cavil, its enduring commercial supremacy. The newspapers of that day display the monumental effort to "bring the mountain to Mohammed," to bring the Tennessee river commerce to her gates. Confidence in the success of the lock and dam project of the Indian Creek Navigation Company was not confined to a few but was shared by all alike. Many were the wealthy and prominent men who showed "their faith by their works," giving liberally of their time and means. Chiefest among these was Dr. Thomas Fearn, some of whose worthy descendants yet live in Madison county. To his indefatigable energies was mainly due the realization of this dream. In latter years it was known as "Fearn Canal."

The plan was to render navigable by a series of locks and dams, the Big Spring branch or creek to its confluence with Price's Fork of Indian creek, and the latter stream, from that point to where it flows into the Tennessee river at Triana. The first positive action toward the attainment of this end was taken when, on December 21, 1820, "Indian Creek Navigation Company" was chartered by act of the Legislature,[41] with Leroy Pope, Thomas Fearn, Stephen S. Ewing, Henry Cook and Samuel Hazard, as commissioners to open books for subscription to stock in the corporation. Section seven of this act further provided: "That said corporation should have power and authority to open and improve the navigation of Indian creek, in Madison county, from the spring at Huntsville to the town of Triana, at the mouth of said creek, by removing the obstructions therein, opening canal or canals, or such other mode or way as they may deem expedient." To this end powers of eminent domain were conferred upon the company. The charges to be made were regulated by section 11, which declared "that whenever said creek should be rendered navigable for boats drawing ten inches of water, and so long as said creek shall be left thus navigable, it shall be lawful for said corporation to demand and receive toll on all boats navigating the

[41] Toulmin's Digest of Alabama Laws, page 710. Edition 1823, and (Huntsville) Alabama Republican, February 2, 1821.

same between said towns of Huntsville and Triana, at the following rates: Two dollars for every ton of freight which said boat carries, provided that toll shall not be collected on boats running between Prout's Mill and Triana."

The company had no "authorized capital;" the only limitation upon its right to issue stock was that it should be "in shares of fifty dollars each." The right to increase the capital stock, existing at any time, appears to have remained with the directors, five in number; of whom one was to be president of the Company. However, the act did provide "that as soon as the sum of $10,000.00 shall have been subscribed, notice thereof shall be given by the commissioners," named heretofore; after which the subscribers were to proceed to the details of organization.

Legislative sanction having been obtained, pursuant to the mandates of the charter, on March 30, 1821, notice was given in the (Huntsville) Alabama Republican that, "The Indian Creek Navigation Company will sell stock at the Planters' & Merchants' Bank."

(Signed) Leroy Pope,
Thos. Fearn,
S. S. Ewing,
Henry Cook,
Sam Hazard,
Commissioners.

The matter of financing the enterprise, appears to have resolved itself into the mere detail of offering the investing public an opportunity of subscribing for stock, as a meeting was held on Wednesday, the 16th day of April, 1821, at which directors of the company were elected.[42]

Work of Construction was commenced without delay, and pressed with all due haste. Promising indeed, must have seemed the future, and general was the satisfaction when it became known that the "work of the Indian Creek Navigation Company is progressing rapidly and the canal will be ready for use next season."[43] The company reckoned without its host, for during the next year public announcement was made that "Dr. Thomas Fearn, President, is receiving bids for the unfinished half."[44] The work of completing the canal extended over

[42] (Huntsville) Alabama Republican, April 27, 1821.
[43] (Huntsville) Alabama Republican, August 31, 1821.
[44] *Ib.* April 26, 1822.

a period of time to the limits of which the public concern and enthusiasm could not endure.

During the next few years the doubtful success of the plan, even ultimately, is reflected in the general lack of interest in the progress of the work. From all accounts it seems to have been deserted by all its friends, except Thomas and George Fearn, who remained steadfast in their fidelity to the original purpose until their efforts were crowned with a laudable success.

Five years later, in 1827, though not perfected, freight was being transported through the canal, as appears from the following advertisement in the (Huntsville) Southern Advocate, of January 27, 1827:

"The Indian Creek Navigation Company is prepared to ship cotton to the Tennessee river. It is not completely finished, but will admit the passage of boats."

It is not unlikely that further development of the project would have been suspended at this point, but for the fact that a strong public sentiment favored the plan now being urged, to render the Tennessee navigable for large steamers, and all signs of the times seemed to insure success for the undertaking. At all events, work on the canal, which had by now come to be known as "Fearn's Canal," was continued by slow stages unto its complete and final perfection in 1831. Great was the celebration of this consummation so devoutly to be wished. On Tuesday, the 5th of April, 1831, intense excitement prevailed throughout the community. This epoch-marking event, greeted by assembled hosts, was embellished by the picturesque exhibition of two keel boats gliding up the canal and landing at the wharfs by the head of the Big Spring, where the cargo of supplies was discharged from one of them which had come from the river. These boats had a capacity of eighty to one hundred bales of cotton and fifty passengers. Loaded to "the guards," one of these pioneers proceeded on its return trip to the Tennessee, passing all locks, both coming and going, safely.[45]

Public approval of the industry of the Fearns was unstinted; their energies were rewarded and their success applauded by the general demand for an even more elaborate canal.

The feasibility of making navigable the Spring branch, having been demonstrated beyond conjecture, the public concern

[45] (Huntsville) Southern Advocate, April 9, 1831.

now interested itself in a plan to provide for the passage of large river steamers through the canal. Frequent and lengthy were the newspaper discussions of this form of waterway. Again, the Fearns were neither timid nor tardy in action, and the (Huntsville) Southern Advocate of July 7th, 1835, carries the following notice:

"On the 20th of July books will be opened by the Huntsville Canal; to render the stream navigable for large boats, at a cost of $150,000.00. Thos. and George Fearn."

What the success of this venture was, the author is unable to state, due to a total lack of information, which diligent effort did not render available. However, the tradition, that, this effort was not a success is no doubt well founded. For it would seem evident that so pretentious a canal as contemplated would have left enduring signs of its accomplishment. None exist, even in the memory of the "oldest inhabitant."

Suffice it to say that progress, if any there was, with the plan for this "Huntsville Canal," was made between the years of 1837-1844; for after this date no mention whatever of the same is to be found in the local papers. The history of this project, as recorded by contemporaneous narrators, must needs remain unwritten, as there is a break in the files of the local papers of this time from the year 1837 to 1844. It is a perplexing inquiry, just why these contemporaneous sources of information should be missing; for it is said the same hiatus exists in a measure throughout Alabama. Another cogent bit of reasoning sustaining the belief that this canal never materialized, is, that during the year 1834, agitation of railroads as a means of transportation had become general and earnest in the local papers; and a respectable concern was manifest in a plan to build a railroad from Huntsville to Whitesburg. This no doubt would have scarcely received consideration had there been in operation an adequate canal to Triana.

Though "Fearn's Canal" is the only one which rendered service and achieved prominence, another such scheme to render Flint river navigable was undertaken, and a charter obtained from the Legislature. On December 20, 1820, one day before the Indian Creek Navigation Company was formed, it was provided by enactment "That Fleming Jordan, George Taylor, James McCortney, John Sprowl, Stephen Pond, John P. Brown, John Grayson, Dial Perry, David Walker, Ebenezer Bryan, Stephen McBroom, William Derrick and David Cobb, and such other persons as shall be associated with them, are

hereby constituted and declared a body corporate, under the name and style of 'The Flint River Navigation Company,' for the improvement of navigation of Flint river, in Madison county, from Captain Scott's Mills (now Brownsboro), to the Tennessee river."[46]

A chronicle of the times vouches for the statement that this company received liberal appropriations from the General Government, to aid its works; but ill fate attended the first efforts put forth so that the plan never matured.

Large trees grew in profusion on the banks of this stream. It was thought advisable to remove all growth and timber from near the water's edge; thereby preventing any possible hindrance to navigation, resulting from the falling of these trees into the water. So, accordingly, the company set about clearing the banks; felling those trees into the stream, with the fallacious hope that the force of the spring freshets would wash them out of the channel into the Tennessee. It was fortune's bitter irony, however, that these spring freshets which were considered by the company to be inadequate to the task of clearing the stream of fallen trees after navigation had begun, were commensurately inadequate to this same task, before navigation was begun. So it was that the first work done was that of destruction rather than construction. History records the projected accomplishment of the Flint River Navigation Company's efforts with the ugly, yet appropriate, term "failure," spelled with a capital "F."

RAILROADS

History of primeval man records that after the stone age came the iron age. In parity with this evolution of the human race, by ages, has the development of transportation progressed. Only in degree of intensity have they differed. The latter, when we exclude the application of steam as a motive power for crafts, not having improved over the age-old medium of intercourse, navigation of inland waters and the high seas, until the early part of the nineteenth century when the advent of railroads revolutionized the commerce of the world.

Huntsville, founded as she was, at the very threshold of this nineteenth century, has lived partly in the two distinguishing eras of advancement in methods of transportation; in the last

[46] Toulmin's Digest of Alabama Laws, page 709. Edition of 1823.

years of the supremacy of inland waterways and canals, and in the dawn of the supremacy of steam railroads.

Having traced, in some detail, under canal building, conditions as they existed at Huntsville during the close of that period which might be termed the navigation age, we come to consider, with some interest, and, the author regrets, less enlightenment, the steam railroad age.

The advantages to be derived from proximity to a line of this new medium of intercourse destined to broaden the horizon of life and actions of individuals and communities provoked much acrid discussion, academic in its scope, through the news and editorial columns of the local press.[47]

At Huntsville, public interest began to manifest itself when work of construction on the Decatur-Tuscumbia Railroad was begun; and became intense after the passage of the first train over its tracks, about December 30th, 1834.[48] Almost immediately, arrangements were made to take advantage of the nearness of this road. To that end a stage line was established from Huntsville to the Tennessee river at Decatur, as before mentioned.

The public thought was first concerned about the proposed construction of ten miles of railroad from Huntsville to Ditto's Landing—Whitesburg. Though the distance to be covered is inconsiderable, such adequate transportation facilites as thus afforded, would have served the enlarged purpose of placing Huntsville on the river, as it were. However, not until 1851, was a railroad constructed through Madison county.

During this year, work of building the Huntsville and Memphis division of the Memphis & Charleston Railway was completed, having been financed by local capital. This line connected at the river with the Decatur-Tuscumbia Railroad.

In the early part of this year, it was found that the funds provided were insufficient to complete this link and an election was ordered held by the sheriff of Madison county on April 2nd, to ascertain the sentiment of the public relative to raising additional funds.[49]

This election was not held in April, being deferred till the first week in August, for some reason. The results were in favor of providing the necessary funds. It will be remembered, that, at this election there was also submitted the question of

47 (Huntsville) Southern Advocate, October, 1834.
48 (Huntsville) Southern Advocate, December 30, 1834.
49 (Huntsville) Southern Advocate, April 2, 1851.

whether or not "Secessionists, abolitionists and dictators" were endorsed or denounced. On this proposition public opinion was little divided, and the returns declared for "denunciation of all three" in unmistakable terms.

The directors of the Memphis and Charleston Railway at Huntsville were, J. W. Otey, D. E. Kelly, J. Robinson, F. Jordan and J. Pickens.[50]

From the editorials in the local press of that day, the inference is gleaned that one of the chief benefits likely to be derived from railroads, was the destruction of class distinction. All social barriers would be relaxed by the indiscriminate intermingling of the masses and the classes in traveling. A curious desire to see one of the trains appears to have been general and loath to await the auspicious event.

The author hazards this suggestion; that the curiosity of the public in 1851, to see a train, would not surpass the curiosity of the public of this day, to see that individual about whom this account appeared in the (Huntsville) Southern Advocate of November 14, 1851:

"He was peaceably proceeding along the road, when the train, unexpectedly, came into view and blew its whistle where at 'he tried to fly like a bird,' and in this futile attempt to remove himself from the path of this demon-like engine (of destruction) as he thought, fell prone across the track. After much effort he succeeded in reaching the side of the roadway, where he seized a tree with a vise-like grip and clung to it as grim death, to the entire amusement of the passengers. So great and fundamental was "the mental pain and anguish suffered by this man, as a proximate consequence of his severe fright," that this indulgence of his curious desire—though unwittingly timed—to see a train, came near entailing serious, if not permanent and fatal results."

Though a railroad had actually been constructed through the county, some conflict between this method of transportation and that offered by canal, yet lingered in the public mind. This appears from the earnestness exhibited in the local press, proclaiming the advantages of the former over the latter. In an evident effort to keep the public attention fastened on the steam railroad question, the upper left-hand corner of the front page of all papers was decorated with the cut of a clumsy

50 (Huntsville) Southern Advocate, August 6, 1851.

balloon topped, wood-burning locomotive, belching forth great clouds of smoke. A doubtful advocacy of a worthy scheme.

Construction of the Huntsville-Charleston division of this road proceeded with gratifying speed, having been completed some years prior to secession, and in use.

CIVIC AND PUBLIC INSTITUTIONS

Read by the light of other days, life in Huntsville,—as with the old South—was almost incredibly grand. In the then present there was little lacking to give it completeness. Those things which make for well proportioned and admirable sociological conditions in a community were abundant in Huntsville.

Things which we now term "modern conveniences" were not unknown to those times; even ice could be had throughout the year.[51] The price of this commodity now, as compared with then, amounts to little less than a "modern inconvenience." So soon as 1823, there was a water works system. The reservoir was attached to the end of the court house. It would appear, from a reading of the newspapers of that day, that human nature, in Huntsville, at least in so far as the use of hydrants not muzzled by meters is concerned, was the same as it is today. Frequent notices are to be found in the local papers, calling attention to the constant lack of water in the reservoir, due to the fact that people who had no hydrants used those of their neighbors.[52] This system seems to have been somewhat inefficient, and entirely inadequate, for by 1827, the question of a new plant was actively agitated. In an attack upon the old system, which had come into pretty general disrepute, the editor of the Southern Advocate, in its issue of May 18, 1827, delves into the secrets of the past and reveals to us some ancient history, more interesting than edifying, which leads to the conclusion that, honesty of that uncertain kind, which sometimes attends municipal contracting in our day, is not the product of this age alone. We are informed in that editorial that the people of Huntsville were dreadfully cheated by the first contract; and furthermore, the contract was never completed to supply the town, and was under the control of a plotting, scheming, company, and lastly, the people paid too much for the contract. But there is one thing with

51 (Huntsville) Southern Advocate, June 16, 1826.
52 (Huntsville) Southern Advocate, December 9, 1825.

regard to these works, that must forthwith be attended to. That ill-shaped goose pen of a building attached to the end of the court house, called reservoir, is by the order of the commissioners, to be torn down and removed. The new system is under the supervision of Mr. Sam D. Morgan. A dam, engine house and machinery are to be installed and a new reservoir built, in the erection of which Mr. Morgan will liberally assist. This new system was planned by Hunter Peel and Thomas Barclay. Wooden pipes about eight feet long, made by boring a hole through the center of red cedar logs were used. These pipes were tapered at one end and hollowed at the other. Joints or connections after being made were held in place by iron hoops or bands. Sections of these old pipes are not infrequently unearthed even yet, in excavating beneath old buildings about the square.

Though the author cannot be certain, the use of wooden conduits in the second system would seem to justify the inference that such were also used with the first.

A water turbine and a nine-inch pump served to force the water into the reservoir, which had been constructed on Pope's Hill. This reservoir can yet be seen at the intersection of Williams and McClung streets.[53] It is not unlikely that this system installed in 1827, remained in use till after the war, as it was rendering satisfactory service in 1859. Fire plugs, in connection with this water system, were also installed in all parts of the town.

Despite these facilities and the good efforts of the Huntsville Fire Engine Company, which we have seen was organized in 1822, a very disastrous fire visited the town in February, 1829, laying in ashes "Bank Row" (west side of square), except one small building.[54]

The following notice appearing in the Southern Advocate of January 13, 1826, suggests the manner in which the Fire Engine Company was sustained:

"Called Meeting.

Huntsville Fire Engine Company, to be held at the engine house. All fines and annual contributions must be paid at this meeting. F. Collender, Secretary."

It can scarcely be doubted that Huntsville kept pace with the times, even abreast of the larger Eastern and Northern

53 Huntsville Directory, 1859, pages 12 and 18.
54 (Huntsville) Southern Advocate, February 6, 1829.

Cities. In 1856 the "Huntsville Gas Light Company" was organized with a capital of $7,325.00. A plant was erected immediately near the spring, where gas, for lighting purposes, was manufactured in circular retorts from rosin.[55]

HISTRIONIC

Life in this community, even during the first years of this period, was far from prosaic. The public were permitted the enjoyment of all forms of amusement and recreation, from balloon ascensions,[56] to heavy tragedy, followed by comic farce. Approaching events were heralded in the local press, thus:

"SECOND NIGHT."

"Theatre.—The public is respectfully informed that on Saturday evening, November 4, 1820, will be presented the moral, instructive and effective Tragedy of the Gamester:

Beverly.....Mr. Phillips.
Stuckley .....Concameon.
Mrs. Beverly.....Mrs. Cummins.

After which a comic farce, in one act called Blue Devils.

Admission one dollar.

Performance to commence at seven o'clock precisely."[56]

Theatrical performances closing with a one-act comic farce. appear to have been the order of the day. This theatre, owned by Messrs. Sammoner & Weekly, was destroyed by fire on Saturday night, August 5, 1821. Though the local press expressed the belief that it would not be rebuilt "any time soon" about a year later shows were advertised to be held in the theatre.

Hotel facilities were adequate and in keeping with the needs of the times. As we have observed, as early as 1803, hotels were subjected to governmental regulation. This supervision was exercised for a number of years, even to the extent of establishing the charges to be made. The law required of all "tavern keepers" that they take out a license and to furnish good, clean, wholesome diet, and lodging for travelers, and stabling, pasturage and provender for horses, for and during the time of his license." The license cost $20.00 per year. The various county courts fixed the rates. These had to be posted conspicuously. Cards published according to these

55 Huntsville Directory 1859.
56 (Huntsville) Alabama Republican, November 3, 1820.

requirements, furnished information as to the charges to be met by the traveling public:

"A New Tavern."

"At the sign of the Planters' Hotel.

My stables are large and commodious and well equipped with all the requirements; rates:

Breakfast	37½c
Dinner	50c
Supper	37½c
Horse for night	50c
Lodging for night	12½c
Boarding without lodging, per week	$3.50
Boarding, including lodging, per week	$4.50
Horse, per week	$3.00

N. B. Posey."[57]

MILITIA

As has been mentioned, Huntsville sent four companies and Hazel Green one with General Andrew Jackson, to fight the Creek Indians, at Horse Shoe Bend. Two companies also went from here during the war of 1812. In 1819, Madison county had two regiments of infantry in her militia. These regiments held two musters a year. One commencing on the 8th of January, and the other on the 4th of July. After performing the military duties incident to the occasion, the balance of each day was devoted to recreation and sports. A chronicler of the times informs us that the greater portion of the time was consumed in political debate; it being customary for candidates to speak on these occasions, and to provide "free whiskey" for the crowd.

In 1821 "The Huntsville Light Infantry" Blues was organized with J. K. Dunn, as its first lieutenant.[58]

The Huntsville Volunteer Artillery Company, under the command of Capt. J. G. Carrell, was organized in 1820.[59]

Towards the later part of this period, in 1855, a military company, the Madison Rifles, with Captain J. C. Coaltart, was mustered in.[60]

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57 (Huntsville) Alabama Republican, November 17, 1820.
58 (Huntsville) Alabama Republican, March 16, 1821.
59 *Ibid.* September 29, 1820.
60 Huntsville Directory 1859.

Here was to be found a hospital, well equipped, under the management of Dr. L. Reimondie, established in 1851, as the "Madison Surgical and Medical Infirmary."[61]

RELIGIOUS AND EDUCATIONAL

The public thought was not wholly occupied with those things and institutions which produce material development, for commensurate consideration was manifest in the maintenance of those uplifting influences which make for "richness of life" in a community.

CHURCHES

Many of the first churches and religious societies of the State were organized here. Between the years 1818 and 1835 the Presbyterian, Methodist, Cumberland Presbyterian and Episcopal congregations had erected houses of worship at Huntsville.

Those in the community, of the Presbyterian faith, met and organized some time in 1818; and on October 13, 1822, commenced the erection of the first church of that denomination in the State. The present creditable structure, situated on the southeast corner at the intersection of Lincoln and Gates streets, was built in 1859, upon the site of the old one.[a]

The congregation of the First Methodist Church erected their first church building here in 1821, which was later replaced by the handsome and commodious structure now in use. This building was dedicated by the Masons on August 7, 1867.

About the year 1821 the Madison Bible Society was organized. Its membership was purposeful and energetic, and employed itself about many worthy undertakings for a long number of years. Not the least of which was its untiring efforts to ameliorate the condition of the Confederate soldiers and their dependent families in this county. The Episcopalians in the community were slow to perfect organization; their first meeting for this purpose being June 15, 1830, in the Presbyterian Church, which was itself even then uncompleted.

This meeting was called to order by the temporary chairman, John Brahan, with John C. Coleman acting as Secretary. Mr. McClung offered the first resolution, which was passed.

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61 (Huntsville) Southern Advocate, November 14, 1851.

a Annual Report 1906-7, Presbyterian Church at Huntsville, Ala.

"Resolved:

That it is expedient at this time to establish an Episcopal Church at Huntsville."

Following this, Leroy Pope moved that vestrymen and wardens be elected. Samuel Cruse then nominated the following who were elected officers of the permanent organization:

Hunter Peel, Dr. Sam Breck, Capt. William Clark, General John Brahan, Leroy Pope, Jr., Ben S. Pope, Capt. William Atwood, Col. J. J. Pleasants, and Dr. R. G. Fearn.[62] Work of erecting a house of worship was begun without delay and completed in due season, upon the site occupied by the present building, at the intersection of Green and Eustis streets, on the southwest corner. The present graceful structure, so unique and pleasing in interior arrangement, was erected in 1858.

The Missionary Baptists were probably the first to organize and build a church in the county; which was done as early as 1808, out in the neighborhood of Briar Fork of Flint. This church was named Enon. The greater portion of the congregation having moved to Huntsville during the first years of the war, this church was officially moved from the country to town. In 1861 a house of worship was erected upon the northwest corner at the intersection of West Clinton and Spring streets. This building has in later years been removed to give place to the present modern edifice. "Enon" was the first church established in the State by the Missionary Baptists.

In 1825 those of the Cumberland Presbyterian faith organized at Huntsville, under the leadership of Rev. Robert Donnell. The first house of worship was erected in 1828—somewhere—on Green street. The second church building was erected in 1845 upon the site of the present attractive structure on the southeast corner at the intersection of Randolph and Lincoln streets. This Rev. Donnell, the founder of the Cumberland Church at Huntsville, was an eminent divine of great renown. He, with two other associates—about 1809—established the Cumberland Presbyterian Church in America.

SCHOOLS

Educational facilities in those early days, afforded by the numerous schools of the town, were immeasurably superior to those of the present times. It can scarcely be expected that a visitor within our gates at this day would express himself as

[62] (Huntsville) Southern Advocate, June 19, 1830.

did one in 1837, who on writing to a friend in the North said: "Huntsville will in the future rival any city in the North, and at present it is the most prosperous and progressive city its size in the United States, and exceeds any other town its size in the nature and character of its literary institutions. Green Academy is the equal of any Western school."[63] In addition to Green Academy there were numerous private "grammar schools" of known worth and character. The "Huntsville Military Scientific and Classical School" was opened Monday, the 2nd of January, 1832, under the supervision of Messrs. B. S. Lowe and M. R. Dudley, as Rectors.[64] Institutions for the primary and higher education of females were equally numerous and fully as efficient as those provided for the males.

The first of this latter class of institutions of consequence, to be established in the county, was the "Female Boarding School," conducted by J. P. Horton; nine miles northwest of Huntsville.[65] Later, it consolidated with the "Pleasant Grove Academy," in 1822, which continued under the superintendence of Mr. Horton.[66] During this same year C. White established his "Female Boarding School" near Huntsville.[67]

The "Huntsville Female Academy," later known as the "Huntsville Private Female Academy," a very superior institution, was opened in 1826, by Mr. and Mrs. DeVendal, both people of culture and scholarly attainments.[68]

During the year 1831, competent female colleges were established here, whose period of usefulness extended even into the very last years of that century.

The "Huntsville Female Academy" was opened in January, 1831, with the following named gentlemen as officers: J. M. Taylor, president; Dr. Thos. Fearn, A. F. Hopkins, W. Pleasants, H. I. Thornton, B. S. Pope, J. Martin, and J. G. Birney, trustees. Later this institution became known as the "Huntsville Female College."[69]

Almost contemporaneous with the opening of this academy on January 5, 1831, the "Huntsville Seminary," under the auspices of the Presbyterian Church, was inaugurated.

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63 (Huntsville) Southern Advocate, March 4, 1837.
64 (Huntsville) Southern Advocate, January 21, 1832.
65 (Huntsville) Alabama Republican, December 20, 1820.
66 *Ibid.* November 16, 1821.
67 *Ibid.* November 16, 1821.
68 (Huntsville) Alabama Republican, February 10, 1826.
69 (Huntsville) Southern Advocate, December 28, 1830.

Little did the founders of these two great, and, in after years, justly famous colleges, realize that both were to exert a profound influence throughout the whole South for generations to come.

During the same year, Mr. and Mrs. Rowe opened their Female Boarding School on Monte Sano.[70]

Since 1820 there had been a public library suitable to the needs of the times, for which quarters were provided in the court house.[71]

NEWSPAPERS

It is said that a man is known by the company he keeps, and so it is we can judge of the breadth of life in a community by the newspapers it supports.

We have heretofore observed that as early as 1812 the Madison Gazette was published at Huntsville, and that it merged on September 7, 1816, and thereafter was published as the "Alabama Republican."

During the first years of this period, particularly, Huntsville was the center of all State activity; on account of which the local papers enjoyed an extended circulation. The enlarged field made it possible for many papers to thrive here.

The first issue of the "Huntsville Enquirer" appeared on February 1, 1822. This sheet was edited by Richard Benjamin Brickell, and was the eleventh paper then published in the entire State.[72]

The 'Planters' Magazine," a monthly periodical, was published at Huntsville by the editors of the "Alabama Republican," Messrs. Boardman and Adams; the subscription rate being $2.00 per year. The first issue appeared January 1, 1822.[73]

The conjecture is indulged that sometime prior to 1825, the "Alabamian" was published here; this, for the reason that the first issue of the "Southern Advocate and Huntsville Advertiser," later known as the "Southern Advocate," which was formed from a merger of the "Alabama Republican" and the "Alabamian," appeared on May 6, 1825. It was published by D. Farris & Company, and cost $3.00 a year.[74] The "Hunts-

70 (Huntsville) Southern Advocate, December 24, 1831.
71 (Huntsville) Alabama Republican, October 20, 1820.
72 (Huntsville) Alabama Republican, February 8, 1822.
73 (Huntsville) Alabama Republican, February 8, 1822.
74 (Huntsville) Southern Advocate, May 6, 1825.

ville Democrat" was established October 18, 1823, by Philip Woodson.[75] Mr. Flemming, in his monumental work, "Civil War and Reconstruction in Alabama," makes the assertion that the Democrat was an "emancipation newspaper,"[76] edited by James G. Birney. The author feels constrained to say, in this, Mr. Flemming is doubtless mistaken. This inference is supported by the circumstances attending Mr. Birney's evolution into an abolitionist, which have been heretofore noted.

Abolition principles were first espoused by Birney about 1830, and three years later, when he sought to give public expression to his views, he used the columns of the Southern Advocate and not the Democrat. Lastly, it is hardly probable, that, had the Democrat been the advocate of such heresy, it would have endured the assaults of time produced by radical political and economic changes, even unto the present day. In 1859 this paper came into the hands of J. Withers Clay, and remained under that safe and sane management till his death; since which time it has been edited by some member of that justly distinguished family; and is today the only newspaper published in the State by a woman.

Yet another paper was published here, about this time; the "Southern Mercury;" the first issue of which appeared July 1, 1833, edited by Messrs. John J. Coleman and Geo. W. Noble.[77] All of these papers were weeklies, each appearing as a general thing on a different day. They were liberal in policy. Though differing in politics somewhat, all espoused those principles which made for a strong South, economically and politically. The editorials were uniformly ponderous, heavy of words, yet lean of pith and without drive.

The splendid state of physical preservation of even the earliest of these newspapers attests the good quality of ink used and the excellency of the clear, white paper upon which they were printed.

Toward the latter part of this period another paper, the "Huntsville Independent," was edited and published at Huntsville by Messrs. J. J. Dew and J. W. Young. The first issue appeared December 1st, 1855.[78]

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[75] Huntsville Directory 1859, page 64.
[76] "Civil War and Reconstruction in Alabama," page 10.
[77] (Huntsville) Southern Advocate, April 20, 1833.
[78] Huntsville Directory 1859.

MAKERS OF NATIONAL, STATE AND LOCAL HISTORY

To one not conversant with the history of Huntsville and her citizens, this caption might seem somewhat boastful if not humorous. It has been well said, that, the history of Huntsville in early years, is the history of the State. To this might be added, and of the nation; for, in truth, no other community founded in the nineteenth century has, through her worthy citizenship contributed more to the life of the nation, or been more prominent in national and State affairs than Huntsville. It is no idle protest to repeat what has been said herein; that, those names which form the very pillars of history's arc and thatch its roof, are intimate to Huntsville. Hers is the honor and unique distinction of having furnished the nation with eight United States Senators, (being without representation in that body but for six years, 1843-49, from the admission of Alabama into the Union till the resignation of Hon. Clement Claiborne Clay in 1861, upon the secession of the State. The first congressman from this State hailed from Huntsville, and in after years many others; seven governors, an associate justice of the United States Supreme Court, and one other who declined a like commission when tendered him; many justly famous jurists of our State courts, both appellate and nisi prius; two senators in the Confederate States Congress; the first Secretary of War of the Confederacy; a candidate for presidency of the United States on the abolition ticket in 1840, and again in 1844; a distinction not then boasted no doubt. Lastly, it is her humiliation to have been the home of probably more than her share of traitors to the Confederate cause. Nor did all this ilk come from the rank and file of the men who wore the gray, but in large proportion from those high up in the counsels of the Confederacy.

Neither the time at hand nor the scope of this work will permit of more than a brief mention of some of Huntsville's justly famous and worthy sons. Not alone did Huntsville contribute to the political growth of the nation, but her professional men through their great skill and learning swayed the nation. Among these latter was Dr. Thomas Fearn, of whom we have already heard much. He was probably the most eminent physician in the whole South. His article upon "The Use of Quinine" excited the interest of the entire medical world, and exerted a profound influence, even to the extent of revolutionizing the treatment of fever. The name of this great man

is not unfamiliar to us of the present, for of his descendants, in the Fearns, and the Garths, we have living representatives in the community.

The recognized leader of the Whig party in the State, Arthur F. Hopkins, lived here. A jurist of no mean ability, he served as circuit court judge and later as associate justice of the State Supreme Court. Other prominent jurists of those times living here were: W. I. Adair, sometime speaker of the Alabama lower house, and later circuit judge; Henry Minor, who became judge of the Circuit Court and afterwards reporter of the Alabama Supreme Court; J. M. Taylor, who followed him as judge, and finally was elected associate justice of the State Supreme Court.

The high esteem in which Lemuel Mead and Samuel Chapman were held by the people of this county, is attested by the terms of office vouchsafed to them. The former of whom was elected clerk of the circuit court in 1819 and served till 1835, while the latter presided over the county court from 1820 to 1834. The last judge of this court was Edward Chambers Betts, grandfather of the author; a scholarly gentleman of distinguished literary and judicial attainments. He served several terms in the State Legislature and later as the first commissioner of agriculture of Alabama; and to him in no small measure is due credit for the organization of that department as a potent influence in the agricultural development of the State.

For the sake of completeness, the author again introduces the name of James G. Birney; who, as he had a positive effect upon the national thought of his period and left the impress of his efforts upon time as it passed his way, it will not be amiss to record, was the candidate of the Abolitionists for the presidency in 1840 and again in 1844.

Among those brilliant statesmen, from Huntsville, serving in the counsels of the nation as senators, were: **John W. Walker,** 1819-1823, president of the Constitutional Convention of the Alabama Territory; **William Kelly,** 1823-1825, the first and only congressman during his term, for then it was that Alabama had two senators and but one representative at Washington; **Dr. Henry Chambers,** 1825-1826 (uncle of the author's paternal grandfather), was one of Madison's delegates in the Constitutional Convention; later he represented her in the first State Legislature; twice defeated for governor by Israel Pickens, first in 1821 and again in 1823; elected to the Senate in

1824 over William R. King, who later became vice-president of the United States under President Pierce's administration. Senator Chambers set out upon his journey to Washington by horse-back, but died while on the way, at the age of forty years, before taking his seat in the Senate. His residence yet stands at the intersection of Gates and Green streets, on the southeast corner, and is the late home of that gentle spirit and famous poetess and artist, Howard Weeden: **John McKinley,** 1826-1831, for a number of years judge of the United States Circuit Court, congressman, and upon death of Senator Chambers chosen to succeed him. While a member of the Senate, the Supreme Court was increased to nine, and he was commissioned by President Van Buren as associate justice during the recess of Congress, on April 27, 1837, and was re-commissioned upon confirmation by Congress, on the 25th of September that same year.[79] This position on the Supreme bench was first tendered Hon. William Smith, of Huntsville. His nomination by the President having been confirmed by the Senate, he was duly commissioned, but declined the honor. The author ventures the assertion that Mr. Smith's action is entirely unique in the history of this nation. **Gabriel Moore,** 1831-1837, fifth governor of Alabama, one of Madison's delegates to the Territorial Constitutional Convention, later president of State Senate, served as congressman for eight years before his election as governor. While a member of the Senate he opposed the policies of President Jackson. On this account his resignation was requested by the State Legislature. He declined to comply with the request, and at the expiration of his term, ran for congress and was defeated; **Clement Comer Clay,** 1837-1843, Madison's representative for two terms in the Territorial Legislature, delegate to the Constitutional Convention, resigned as circuit judge to become speaker of the State House of Representatives; congressman from 1829 to 1832, eighth governor of Alabama, resigned from the United States Senate after four years, digested the laws of Alabama in one year, and submitted his work to the Legislature, of which his son Clement Claiborne Clay was a member; twice upon the Supreme Court bench of Alabama, settled the State debt and then retired from public life to make way for his illustrious son, who had given evidence of even greater talents. It has been said of Senator Clay

[79] The Supreme Court of the United States, Vol. 1, page 298, by Hampton L. Carson.

that he was the greatest political teacher of his times; **Jere Clements**, 1849-1853, author, one of Alabama's delegates to the Secession Convention, first commander of the troops of the "Republic of Alabama" with rank of Major-General; **Clement Claiborne Clay,** 1853-1861, who was even more illustrious than his father. When Alabama withdrew from the Union, he resigned his seat in the Senate and became a senator in the Congress of the Confederacy. A statesman of the biggest and truest type. He was arrested along with and became a fellow prisoner of Jefferson Davis, at Fortress Monroe, at the close of the war.

Senator Clay's wife—familiarly known in latter days as Mrs. Virginia Clay Copton, who lived here till her recent death—was the most brilliant and distinguished woman in the whole South. When asked whom he considered the greatest orator he ever heard, Father Ryan replied: "I have heard Webster, Clay, Calhoun, Everett, Choat, Gladstone, Douglass, Prentiss, Yancy, Jefferson Davis, and all of the great orators of my day; but I tell you, the greatest of them all is Mrs. Clement C. Clay."

The talented editress of the Huntsville Democrat, Miss Susanna W. Clay, is a niece of that great man, Senator Clement Claiborne Clay, as is well known.

In addition to the two just mentioned, five other worthy sons of Madison became governors of the State.

Thomas Bibb, second governor, as president of the State Senate, succeeded to the office upon the death of his brother, William Bibb, who was killed by a fall from his horse. As the time of his ascendency he (Thomas Bibb) had probably moved from Madison county, though for many years he was a prominent figure in the early life of the settlement. The new government at the new capital, Cahaba (the capital having been at Huntsville during his brother's term of office), was set up by him.

Hugh McVay became the ninth governor, by virtue of his presidency of the Senate, upon the election of Governor Clay as senator. He came to Madison county when it was a part of the Mississippi Territory, and was elected to the Territorial and State Legislatures eight times from the county; became a member of the Territorial Constitutional Convention, and after the State was formed, served in its Senate twenty years. Prior to his advancement to the governor's office he had removed to Lauderdale county.

Reuben Chapman, thirteenth governor, distinguished himself by the masterly manner in which he guarded the State's financial interests attending the winding up of the State banks. He served one term in the State Senate, and was in Congress from 1835 till he was elected governor. He was defeated for re-election; afterwards, in 1855, he was again elected to Congress. His last public service was rendered in 1862, when he became an elector for Jefferson Davis as president of the Confederate States of America. Worthy descendants of Governor Chapman are still prominent in the life and activities of the community; foremost among them, his daughter, Mrs. Ellelee C. Humes.

John H. Winston, the fifteenth governor, was the first native born Alabamian to be elected to that office. Madison county was his birthplace in 1812. At the time of becoming governor, however, he was a resident of Sumter county. After the war he was elected to the United States Senate. He was denied the right to enter that body.

D. P. Lewis, became the twenty-third governor, and a sorry time it was for Alabama. Upon his election in 1872, Alabama once more went into the "hands of Black Man's Party." He obtained his office through the grossest fraud, and held it at the point of the bayonet by the aid of Federal troops. One of Alabama's delegates to the Secession Convention, he was elected to the Provisional Congress, and in 1863 was appointed to a judgeship by the governor. This position he held for a few months, and then went over to the Federals.

In addition to **Clement Claiborne Clay,** Madison furnished the Confederacy with another senator, **Richard W. Walker,** and a member of the president's cabinet, **General Leroy Pope Walker,** first Secretary of War. Hon. Richard W. Walker, at the outbreak of the war, was a member of the State Supreme Court. Few of the earliest families settling here, when Alabama was a territory, have been so continuously represented throughout these one hundred years by justly illustrious and worthy sons, as has this Walker family. Each of its three generations has furnished a brilliant public servant, beginning with John Williams Walker, president of the Constitutional Convention of 1819, and first United States Senator, and continuing through Richard W. Walker, his son, Supreme Court justice and Confederate Senator, to his grandson, Richard W. Walker, Associate Justice of the State Supreme Court, member of the Constitutional Convention of 1901, Presiding Judge Alabama Appellate

Court, and at present Associate Justice of the United States Circuit Court of Appeals.

Though serving at a later day than that here dealt with, no history of the county would be complete without mention of those two distinguished educators, Dr. Carlos G. Smith, who afterwards became president of the State University, and Captain Charles O. Shepherd.

The excellent school maintained by that scholarly gentleman, Dr. Smith, was liberally patronized by this end of the State; as was also the school of that noted and striking personality, Captain Shepherd, who left his impress upon the "seat of learning" of many of the youth of the surrounding territory.

Through these pages, little warning has been given the reader, that toward the last of this period a national crisis had been reached. The tocsin of war had been sounded. From thence forward the South was to live through ever changing conditions, even to the extent of subjugation, for in very truth it passed under the yoke. The beauty, the charm, the elegance of life at the South was to pass out. The elegance and grandeur of the Old South might have survived the rude shock of war; but all, all, was submerged in that anguished struggle, after the war, to preserve its institutions, its people, its customs, even civilization itself, from threatened extinction.

References:—Brewer's *Alabama; Northern Alabama;* kindness of many older citizens; newspaper files and clippings; Judge Taylor's *History of Madison County; Indoors and Out,* May 6, 1906; *Huntsville Directory,* 1859; *Hand Book of Alabama,* Birney; *Life and Times of James G. Birney; Civil War and Reconstruction in Alabama,* Fleming; *The Supreme Court of the United States, Vol. I, With Biographies of the Justices,* Hampton L. Carson.

Chapter V.

CIVIL WAR AND RECONSTRUCTION

THE author approaches the discussion of this phase of Huntsville's history with much trepidation and embarrassment, due to the knowledge of his own limitations. That cause for which Madison's men fought and died and her women suffered and endured, was the same for which the whole South fought, suffered and endured. No adequate understanding of the justice, the purity, the honor of that cause can be had without a knowledge of its history throughout the Confederate States of America. Wherefore, the scope of this work will extend beyond the geographic confines of Madison county. However, it is not the purpose to review in any profound sense the causes leading up to the war, nor its conduct; but merely to touch lightly upon a few potent circumstances which may aid in forming a proper understanding of the reasons for the war of secession; or to be more exact, enable us to know and appreciate the fact that our ancestors were not "traitors," not "rebels," but patriots and heroes. It is not the purpose of this work to perpetuate or revive any spirit of bitterness toward any section of our re-united country; for, "the bitterness and resentments of the war are past and forgotten. The glories are the common heritage of us all."

It has been said, "It is better to know less, than know so much that ain't so." This can be repeated with peculiar emphasis to the youth of the South, as he has gained his knowledge of the history of the Confederacy from the partisan historian of the North. The matters and things related in this chapter are historic and authentic. They are in the nature of those happenings which go to make up family lineage, and family history. If perchance, any of those who come to scan these pages were, or still are not in sympathy with the South in the course pursued, it is hoped they will at least appreciate the sincerity of the motives which prompt the author. The duty to teach and spread the truth is enjoined upon us all.

Nor is it the purpose of the author to attempt a vindication of the Confederate cause; time has established the honor, the justice, the right of the principles for which the South fought.

The denial at the North of the Constitutional right of a state to withdraw from the Union was the cause of the war. Slavery was the occasion, not the cause, and bore the same relation to the war as does property to robbery. The conflict, as we view it now, was inevitable, and but the logical outgrowth of the feeling and strife, which existed from the settlement of this country, between the Puritans landing at Plymouth Rock and the Cavaliers who landed in Virginia.

The right of secession, was the constitutional right guaranteed to the states forming the Union, to withdraw from the compact she had voluntarily entered into. Both the North and the South at the time of entering into the articles of confederation claimed and boldly asserted this right. The question of state sovereignity, especially the right to withdraw, was debated at the time of framing the Constitution and was decided in the affirmative. This, and not slavery, *vel non*, was the question submitted to the arbitrament of the sword and decided for all times. Gettysburg and Vicksburg were not forums of justice but battlefields.

From a constitutional standpoint, it is plain the South was within her rights in withdrawing from the Union. Students of history, both North and South, now admit this. This right of a sovereign state to sever its connections with the Union was first asserted by Massachusetts in 1811, when she threatened secession in order to back up her position relative to the Louisiana Purchase. From thence forward this right was boldly asserted by the other states at the North and constantly held over the head of the South as a warning, until the South sought to put it into practical effect and withdraw. From thence forward, as viewed at the North, this doctrine became heresy and the right of a (Southern) state to exercise it was vigorously denied and denounced. That supreme political opportunist, Daniel Webster, known at the North as "the most profound and unerring constitutional lawyer of his day, the great expounder," declared as late as 1856 that "If the South is treated as bad as she has been, she will secede. She has a *constitutional* right to secede, and she ought to secede." Yet, when the South asserted this right, he traversed the country, (having first, however, changed his views, owing to the political exigencies of the times), assailing and reproaching her leaders and governments. By the magic of his words and the necromancy of his specious logic he beguiled the masses at the North into the belief that the South and its people were trait-

ors to the Union. Such are the teachings the children of the South have received since the war, concerning the origin and history of the Confederacy.

The sovereignty of a state was a sacred trust to be defended and zealously guarded at all hazards by her sons. It was paramount to the preservation of the Union, and so had we been taught, even in the colleges of the land, North and South. When the North by state and municipal legislation, upheld by the courts, had repeatedly denied the constitutional rights of the Southern States. When the Missouri Compromise was held unconstitutional by the United States Supreme Court, in the Dread Scott Case, and four of the justices dissented from the opinion of Chief Justice Taney, the unyielding determination at the North to utterly disregard the guaranteed rights of the South, wreck her institutions and destroy state sovereignty, became all too evident. By the time the South seceded, all ties of friendship and kindly relation between the North and South had been severed, though there yet remained at the South some love for the Union, and a far greater respect for the rights of others as guaranteed in the Constitution. Wherein all rights not delegated to the general government nor denied the states are reserved to the latter.

The biased and purblind histories used in our public schools, teach the children of the South, that Robert E. Lee, Stonewall Jackson, and Joseph E. Johnston fought for so sordid a cause as the maintenance of slavery. Not once are we told that: Lee freed his slaves, voluntarily, long before the war; Jackson never owned but two slaves, bought by him at the request of the slaves themselves, in order that they might be set free, which he accordingly did; Johnston never owned a slave. Even more studiously is the fact suppressed, that the "Immortal" Ulysses S. Grant, owned many slaves, and that they were never freed by any act of his, but by the Emancipation Proclamation, and when so freed were being refugeed in Missouri to keep them out of the danger of escaping.

In a conflict, he is the aggressor who first renders the use of force necessary, and not he who strikes the first blow. So it is that the North and not the South was the aggressor, and provoked the Civil War. The construction is enforced by the conduct of the South before war actually broke out.

One of the first official actions of the Confederate States of America was to send a commission to Washington to treat with Secretary of State Seward, to the end that an amicable settle-

ment might be had of all differences between the two governments, and for the evacuation of Fort Sumter. This commission was held at Washington for twenty-three days, with almost hourly promises of a considerate hearing. While thus ostensibly giving heed to the proffered negotiations of the Confederacy, a squadron of ten battleships was being made ready, and sent out from New York with instructions to take Fort Sumter, by force if necessary. This "relief squadron," bristling with guns, steamed into a Confederate port, intent upon its hostile purpose, before the Confederate commission was even aware that war was intended by the government at Washington. Not until then, did the commissioners from the Confederacy realize that Secretary Seward had diplomatically lied and misrepresented the facts to them.

This brings us to a consideration of the sentiment prevailing at the South as to its course in the near future. Probably the most eloquent and comprehensive exposition of the attitude, feeling and spirit of the South was made by that peerless statesman, Clement Claiborne Clay, in the Senate of the United States, on the eve of his resignation from that body, after his beloved state, Alabama, had withdrawn from the Union. As an introduction to that portion of this work yet to follow, the author begs leave to quote from the condensed record of this "Statement of the South's Case":

"It has been forty-two years, he said, since Alabama had entered the Union, amidst scenes of excitement and violence caused by the hostility of the North against the institution of slavery in the South—referring to the conflict over Missouri. In the churches, Southern christians were denied communion because of what the North styled the "leprosy of slavery." In violation of the Constitution and laws Southern people were refused permission to pass through the North with their property. The South was refused a share in the lands acquired mainly by her diplomacy, blood and treasure. The South was robbed of her property, and restoration was refused. Criminals who fled North were protected and Southern men who sought to recover their slaves were murdered. Southern homes were burned and Southern families murdered. This had been endured for years, and there was no hope of better. The Republican platform was a declaration of war against the South. It was hostile to domestic peace, reproached the South as unchristian and heathenish and imputed sin and crime to that section. It was a strong incitement to insurrection, arson and murder

among the negroes. The Southern whites were denied equality with Northern whites, or even with free negroes, and were branded as an inferior race. The man nominated for president—Lincoln—disregarded the judgment of courts, the obligations of the Constitution, and of his oath by declaring his approval of any measure to prohibit slavery in the territories of the United States. The people of the North branded the people of the South as outlaws, insulted them, consigned them to the execration of posterity and to ultimate destruction.

"Is it to be expected that we will or can exercise that God-like virtue that beareth all things, believeth all things, hopeth all things, endureth all things; which tells us to love our enemies, and bless them that curse us? Are we expected to be denied the sensibilities, the sentiments, the passions, the reason, the instincts of men? Have we no pride, no honor, no sense of shame, no reverence of ancestors and care for posterity, no love of home, of family, of friends? Are ye to confess baseness, discredit the fame of our sires, dishonor ourselves and degrade posterity, abandon our homes and flee the country—all—all—for the sake of the Union? Shall we live under a government administered by those who deny us justice and brand us as inferiors? Whose avowed principles and policy must destroy domestic tranquillity, imperil the lives of our wives and children, and ultimately destroy the State? The freemen of Alabama have proclaimed to the world that they will not."[1]

DISUNION SENTIMENT AND SECESSION

We have observed that as early as 1854 at an election held in the county for the purpose of ascertaining public sentiment, "Disunionists and abolitionists" were strongly condemned and reproached. This spirit of forbearance toward maintaining the Union was still strongly in evidence when the future policy of the State was up for consideration in 1861. Some of Huntsville's most prominent and respected citizens were pronounced "Union Whigs" and opposed disunion. But when the ordinances of secession were passed they cast their lot with the "Republic of Alabama," and remained throughout the war steadfast and faithful to the cause of the Confederacy.

In describing the problems confronting the South for the solution of which, as to Alabama, a convention was held, Mr. Fleming, in his "Civil War and Reconstruction in Alabama"

1 Civil War and Reconstruction in Alabama, Fleming, page 25.

(page 27) says: "With Lincoln as president, the abolitionists would soon control the Supreme Court, and then slavery would be abolished in the Federal district and the territories. There would soon be a majority of free states large enough to alter the Constitution and to destroy slavery in the states. The state of society with four million negroes turned loose, would be too horrible to contemplate, and the only safety for Alabama lay in secession, which was within her right as a sovereign state. The Federal Government was established for the protection and not the destruction of rights; it had only the powers delegated by the states and hence had not the power of coercion. Alabama was devoted to the Union but could not consent to become a degraded member of it. The State in seceding ought to consult the other Southern States; but first, she must decide for herself, and co-operate afterwards. The convention, the governor said, would not be a place for the timid or the rash. Men of wisdom and experience were needed; men who could determine what the honor of the State and security of the people demanded, and who had the moral courage to carry out the dictates of their honest judgment."

"On January 7th, every one of the one hundred delegates was present. It was a splendid body of men, the best the people could send."

The delegates to the convention were composed of "secessionists," who wanted Alabama to withdraw from the Union without regard to the action of the other states; "co-operationists," who were not in entire accord; some wanted co-operation of the Southern States with the Union in order to force their rights from the central government; while others of them wanted the Southern States to come to an agreement within the Union and then secede, and form a Confederacy; still others wanted the cotton states to have a clear understanding among themselves before seceding.

The secessionists were in the majority and controlled the convention. North Alabama voted with the minority, the "co-operationists." Three of the minority leaders, seven in number, were from Huntsville: Nicholas Davis, Jeremiah Clemens, and David P. Lewis; all of whom afterwards became doubtful of the fortunes of war and "went over to the enemy."

When the convention settled down to business, practically the only question presenting itself was, "How to secede?" The first resolution which was unanimously adopted was "that the

people of Alabama would not submit to the administration of Lincoln and Hamlin."

Madison's delegates, like those from other North Alabama counties, opposed the majority and were styled "obstructionists." Among the most prominent of these was Davis, who threatened armed resistance by North Alabama to the measures adopted in the convention, and insisted on a submission of the measures to a popular vote, for ratification. Mr. Davis later changed his views, probably realizing that his former remarks were hasty and improvident, declaring that he and all North Alabama would cheerfully stand by the State in the coming conflict. Jeremiah Clemens was at first an "obstructionist," but later became less conciliatory toward the Union and opposed sending a commission to treat with the government at Washington. Upon the secession of the State and the forming of the Republic of Alabama, Clemens was placed in command of its troops.

Huntsville and Madison county freely and without resentment accepted the will of the State, and busied themselves about making ready for the changed conditions. Loyalty to the "Republic of Alabama" was universal and pronounced, even on the part of all those leaders who had opposed unconditional secession.

After the adoption of the ordinances of secession, the leaders of the victorious majority stepped aside and handed over to the minority leaders, to a great extent, the reins of authority; for the sake of harmony, entrusting to them the work of organizing the new government. Alabama sent nine delegates to the Provisional Congress, three of whom, R. H. Walker, David P. Lewis and Dr. Thomas Fearn, all anti-secessionists, were from Huntsville.

Following close upon the heels of these proceedings by the State, war with the North became imminent. So intense was the feeling that no middle ground could be occupied; one was either for, or against the State and loyal to its interests.

There were to be found among the mountains of North Alabama and southern and eastern Tennessee, many "tories," parties afraid to declare themselves for either side. Usually they leant toward the side of power. So great did the disaffection among the mountain people become that during the early part of 1861 a propaganda was put out, by them, for the forming of the free State of "Nick-a-Jack." The name chosen

being that of an Indian village in Jackson county, Alabama.[2] The tories promoting this scheme had as their object the establishment of a new State to be carved out of Alabama and Tennessee, in much the same fashion as West Virginia was formed from Virginia by the tories and Union sympathizers of that State. The government was to be neutral, neither a member of the Confederacy nor of the Union; a sort of city of refuge for themselves and other cowardly scamps. The plans met with no general support and failure resulted. Throughout the war and during Reconstruction this same breed of vultures preyed upon the people of this section. Vampires they were, gorging their lusts, passions, and prejudices.

CONDITIONS DURING THE WAR

Montgomery having been selected as the first capital of the Confederate States of America, all Alabama was astir with war-like preparations and activities. Huntsville became the seat of things generally for North Alabama. Here, during the early part of 1861, four thousand Confederate soldiers were stationed, awaiting supplies and equipment. They remained here several months before they could be armed for the field.[3]

Devotion and loyalty to the South's cause, and a firm belief that it was right and just in the eyes of God and man were manifest on all sides. The energies of the entire community were rendered in a supreme effort, continuing throughout the four years of bloodshed, to uphold the honor of the State and the South.

The women of the South, fittingly denominated the "Women of the Confederacy;" from the first, gave untiringly, lavishly, and cheerfully of their very best for the success of the Confederacy. Their labors were consecrated upon the altars of love and devotion. Thrughout those four years of untold and indescribable hardships and privations, they suffered and endured, without murmur, as only women can suffer and endure. They yielded to the sword of the enemy, without protest and without reproach, their loved ones; and when the war was ended and their battle-scarred heroes returned home, foot-sore and weary, broken in health and spirit, these same noble women by their own heroic example of fortitude and unselfish devotion sustained them in their determination and endeavor to reclaim

2 Civil War and Reconstruction in Alabama, Fleming, page 111.
3 Civil War and Reconstruction in Alabama, page 80.

their own, this beloved Southland, and save the shattered remnants of its glory and its grandeur from the rapacious maw of those goths and vandals, the Carpet-bagger and the Scalawag.

During the early years of the war there was organized at Huntsville a "Ladies' Humane Society," whose object was to make endurable the life of the Confederate soldier at the front. Every month throughout the war, this society sent large boxes of clothing and supplies, and tokens of love and affection, to the men in the ranks from North Alabama.[4] Much, if not all, the clothing, including the uniform worn by the Confederate soldiers from Huntsville, and throughout the entire South as well, were made by the hands of the women of the Confederacy. Verily did they sustain the armies of the Confederacy and make it possible to keep them in the field those awful four years.

Religious organizations at Huntsville contributed, both spiritually and substantially, to the Confederate cause. When companies departed for the front, special religious services were held and divine blessings were invoked upon them and the Confederate States of America. Sectarianism was merged into a solidified Christian body and thus they labored throughout the war.

In the early part of 1861 the Episcopal, Methodist, Presbyterian and Cumberland Presbyterian Churches dismantled their spires of bells, and sent them to Holly Springs, Mississippi, where they were smelted and cast into cannon, to be known as the "Bell Battery of Huntsville." Though given to the Confederate States of America at such noble sacrifice, this battery served only a very limited time, as it was captured by the Federals on April 11, 1862, in a raid on Huntsville.[5]

CONDITIONS RESULTING FROM FEDERAL RAID IN 1862

Huntsville did not fall into the hands of the Federals until April 11, 1862, when General O. M. Mitchell raided North Alabama.[6] Probably the greatest destruction and loss of property, throughout all Alabama during the war was effected when the Federals took possession of Huntsville. Here they captured and confiscated practically all the rolling stock of the Memphis and Charleston Railroad, which had been collected

[4] Civil War and Reconstruction in Alabama, page 244.
[5] Civil War and Reconstruction in Alabama, page 224.
[6] Civil War and Reconstruction in Alabama, page 62.

at Huntsville pending removal to a more secure place. This irreparable loss was caused through the treachery of a telegraph operator. The railroad shops located here were completely demolished. Upon evacuating Huntsville the Federals burned all bridges along the system throughout North Alabama, tore up the tracks, heated the rails and cured them around trees so as to render them unfit for further use, and burned and wrecked all other property belonging to the road. By the end of the war the company had lost all its tangible property, and in addition thereto $1,195,166.79 invested in securities of the Confederate States of America.[7] A considerable portion of this loss was upon the citizens of Huntsville and Madison county, who were heavy investers in the company. As a concomitant of this raid, many of Huntsville's most prominent and beloved citizens were made prisoners and taken North, as a sort of hostage, where they were confined. A Federal army post was established at Huntsville upon the withdrawal of the raiders.

As a result of this raid, conditions in and about Huntsville became very unsettled, being filled with explosive possibilities. This unrest was especially prevalent among the class known as "tories." Their inherent cowardice made of them a ready prey to their fears and apprehensions. In 1862 Clement Comer Clay stated, "Huntsville is the center of disaffection."

The community was filled with deserters from the Confederate ranks; some coming from the commissioned ranks. "tories," "renegades," and "traitors" abounded. These unprincipled wastrels often acted as spies and aided and abetted the Federal troops in their carnival of pillage and outrage against the defenseless ones of the community. Much of the carnage and vandalism visited upon the community was at the hands of these dastardly wretches themselves, under the protection or with the connivance of the federal troops. Many were the instances of murder, rapine and arson committed by these utlaws, under the guise of federal authority or while wearing the uniform of the federal soldier.[8]

From accounts of these despicable characters, it would seem that their lust for blood was oftentimes indulged just to make a "Roman holiday." One of the most atrocious of crimes on record occurred when "twenty federals or disguised tories, led

[7] Civil War and Reconstruction in Alabama, page 259.
[8] Civil War and Reconstruction in Alabama, page 117.

by a tory from Madison county, killed an old man, his son, a nephew and his son and murdered a fifth person by throwing him into the Tennessee river. When he caught hold of the branches on the bank, they beat and shot him until dead." Death was the penalty paid by one enrolling men into the Confederate ranks. One such officer was forced to wade into the river, where he was shot to death from the bank. Bloody violence was done almost daily. Overseers who had concealed stock from the raiders were hung. A Confederate officer was robbed of several thousand dollars and then driven from the county.[9]

These marauding outlaws facetiously styled themselves "Destroying Angels."[10] Again, in 1863, Huntsville was invaded by federal troops under General Stanley. Large quantities of stores and supplies were seized and carried off. Other than this, however, no outrages were committed or violence inflicted upon the inhabitants.[11]

Not only were the inhabitants of the town and county terrorized and preyed upon by these vultures, but the merest detail of life and commercial activity was circumscribed by the martial law, enforced by the federal troops stationed at the army post here. All business was regulated and supervised at their sweet will; all stores and supplies were in their hands and at their mercy. Prices (to those loyal to the Confederacy) on all articles of clothing, and food were raised to heights hitherto unknown. Even the necessaries of life could be purchased only for cash with federal currency. The brutality of this last measure—whereby only federal currency was recognized as a medium of exchange—can scarcely be imagined, so broad and disastrous was its effect. The suffering and hardships produced thereby cannot be described. Suffice it to say, this measure served to make all things practically prohibitive to those loyal to the South. The people had no federal currency and little enough Confederate currency.

From time to time the officer in command at Huntsville established the charges to be made for articles of general use, as for example:

"Green tea,—poor quality,—per pound.....$4.00
Common rough trousers, per pair.....$13.00

9 Civil War and Reconstruction in Alabama, page 119.
10 Civil War and Reconstruction in Alabama, page 120.
11 Civil War and Reconstruction in Alabama, page 76.

Boots, per pair.....$25.00
Shoes, per pair.....[12]$5.00-$12.00"

After the establishment of the federal army post here in 1862 Colonel Horner was made provost-marshal at Huntsville. During his regime many outrages were perpetrated by him upon private citizens, non-combatants. He it was that summoned before him, as such marshal, Dr. Thos. Fearn, and Reverends Banister and Ross to answer certain questions propounded by him; upon their refusal—the very thing he most desired—they were to be banished from the county. This, and many other such acts of wanton abuse were heaped upon the heads of the defenseless citizens at the suggestion and upon the advice of Jeremiah Clemens and Judge Lane, as history has already recorded.[13]

Under the supervision of the altruistic(?) government at the North, the federal troops in this vicinity confiscated the elegant home and properties of Ex-Governor Reuben Chapman, in 1863, to the use of a negro regiment, and banished Governer Chapman from the county, after confining him in prison for a time. The house was finally burned. Toward the latter part of the war and during the miserable years following thereafter, this plantation was used as a camp for refugee negroes. It is estimated that before August, 1864, several hundred negroes were received and there supported in profligate idleness by the federal government. Chaplain Stokes was in command of the Camp.[14]

It was no uncommon thing for federal officers to desert, while stationed in the South. The possibilities of wealth and aggrandizement were the prime causes for such action. The business most generally taken up by them, was speculating in cotton. Though others directed their efforts toward obtaining monopolies of the business interests of the town and public utilities. One striking instance of the tempting influence of this speculative fever was to be found at Huntsville, where a former beef contractor for the federal army, having grown rich in cotton speculations, owned and controlled nearly all of the commercial interests of the town, including both hotels, the water works and gas plant. Needless to say exorbitant charges were

[12] Civil War and Reconstruction in Alabama, page 180.
[13] Civil War and Reconstruction in Alabama, page 64.
[14] Civil War and Reconstruction in Alabama, page 421.

exacted for all things, by this free booter, whose sole purpose was to loot the community of its last farthing.[15]

As the years rolled past conditions grew infinitely worse. The continued presence of the federal troops only rendered the situation more desperate and depraved. Huntsville became, as it were, a haven of refuge for the worst class of man known to history, though present with us throughout the ages—the "deserter." These traitors to the Confederate cause who flocked here, were infinitely more destitute of principle and unmerciful in their depredations on the community than any federal soldier ever dared to be.

PROMINENT DESERTERS AND TORIES

This same title may be found at page 124 of Fleming's Civil War and Reconstruction. This alone does not excite our curiosity. However, it is with an increasing interest that we read the text of that subdivision, and great is the humiliation and chagrin when we find that four out of the five men in all Alabama, whose conduct was such as to cause their names to be enrolled under this caption, were from Huntsville.

The author yields to the superior abilities of Mr. Fleming, and here quotes the text of his work dealing with these four men:

"General Jeremith Clemens, who had been in command of the militia of Alabama with the rank of Major-General, became disgruntled and went over to the enemy. In the secession convention, Clemens had declared that 'he walked deliberately into rebellion,' and was prepared for its consequences. He first opposed, then voted for, the ordinance of secession, and afterwards accepted the office of commander of the militia under the 'Republic of Alabama.' For a year Clemens was loyal to the 'rebellion,' but in 1862 he had seen the light and wished to go to Washington as the representative of North Alabama to learn from President Lincoln in what way the controversy might be ended. The Washington administration, by that time, had little faith in any following he might have, and when Clemens with John Bell started for Washington, Stanton advised them to stay at home and use their influence for the Union." This former United States Senator from Alabama—1849-1853, now a despised deserter, spent much of his time within the safety of the Union lines about Nashville,

[15] Civil War and Reconstruction in Alabama, page 194.

from where he harassed and persecuted the people of this section, his former neighbors and friends, those who had honored and respected him. He finally went North where he was known as the "Arch Traitor," and died at Philadelphia a few years after the war.

"George W. Lane, also of Madison county, was a prominent man who cast his lot with the federals. Lane never recognized secession, and was an outspoken Unionist from the beginning. He was appointed federal judge by Lincoln and died in 1864. In April, 1861, Clemens wrote to the Confederate Secretary of War that the acceptance of a United States judgeship by Lane was treason and the North Alabama men would gladly hang him. General O. M. Mitchell seemed to think that the negroes were the only truly loyal, but he recommended in May, 1862, that when a military government should be established in Alabama, George W. Lane, the United States district judge appointed by Lincoln, be appointed military governor. Lane's faded United States flag still flew from the staff to which he had nailed it at the beginning of the war, and his appointment as governor, Mitchell thought, would give the greatest satisfaction to Huntsville and all North Alabama.

"David P. Lewis, of Madison county, a member of the secession convention of 1861, voted against secession, but signed the ordinance, and was elected to the Provisional Congress by the convention, and in 1863 was appointed circuit judge by the governor. This position he held for a few months and then deserted to the federals. During the remainder of the war he lived quietly at Nashville."

"Another prominent citizen of Madison county, Judge D. C. Humphreys, joined the federals late in the war. Humphreys had been in the Confederate army and resigned. He was arrested by General Roddy on the charge of disloyalty. It is not known that he was ever tried or put into prison, but in January, 1865, Hon. Clement Comer Clay, and other prominent citizens of Huntsville, of Southern sympathies, all old men, were arrested and carried to prison at Nashville, as hostages for the safety of Humphreys, who had been released by order of the Confederate War Department, as soon as the rumor of his arrest reached Richmond. Later Humphreys became a member of the first Carpet-bag Legislature of Alabama, and finally judge of the Supreme Court of the District of Columbia.[16]

[16] Civil War and Reconstruction in Alabama, page 404.

He was known at the North as the "Crazy Man." After the close of the war he returned to Alabama to garner the spoils of Reconstruction and became the contending man for the provisional governorship of Alabama under the "Carpet-bag" administration."

CONDITIONS TOWARD CLOSE OF THE WAR

As the power and strength of the Confederacy waned, disaffection among a certain element in this part of the State became marked, and manifested itself from time to time in various ways. This hostility toward the Confederacy did not go unapplauded or unaided by the federal government. The fomentation of internal strife and discord was by no means a small part of the duties to be performed by the officer in command of a Union army post in the South.

Their efforts were augmented by the energies of the "Arch Traitor," Clemens, and the "Crazy Man," Humphreys and Judge Lane, who figured as advisers to their friends and former fellow citizens in recommending submission. During the early part of 1864 Union meetings were being held in those parts of North Alabama subjugated by federal troops. These meetings were encouraged and protected by the Union officers in command. On march 5th of this year a thinly attended reconstruction meeting was held in Huntsville, at which Clemens presided. Orthodox, anti-Confederate and strong Union speeches were made by both the "Arch Traitor" and the "Crazy Man." The latter of whom submitted some elaborate plans for immediate return to the Union, calling upon the governor to hold a convention to consider a return to the Union.[17]

Early in 1865 peace meetings were held throughout Alabama, Georgia and Mississippi. Commissioners were sent to Washington and tories and deserters organized. This peace party expected to gain the August elections and elect as governor J. C. Bradley, of Huntsville.[18] The local chapter of this peace society was known as the "Union or Loyal League."[19]

The character of warfare, conducted in these parts, grew infinitely worse and less considerate of non-combatants, as the endurance of the South and the superior fighting qualities of the Confederates gave way—respectively—to superior resources and numbers. In some instances, notably the treatment

[17] Civil War and Reconstruction in Alabama, pages 143-145.
[18] Civil War and Reconstruction in Alabama, page 146.
[19] Civil War and Reconstruction in Alabama, page 556.

of Captain F. B. Gurley, of this county, the ordinary rules of comity and warfare were not recognized. Honorable victory on the field of battle was not enough. The South must be crushed and her leaders humiliated and made to pay the penalty. No amount of persecution was sufficient to satiate the inordinate thirst for revenge of some of the federal commanders. Mr. Fleming tells us in his graphic way of the treatment accorded that gallant and fearless cavalry commander, Captain F. B. Gurley, who yet lives in this county, a short distance from the town which bears his name: "In a skirmish in North Alabama, General R. L. McCook was shot by Captain Gurley of Russell's Fourth Alabama Cavalry." The opposing forces consisted of regular enlisted and commissioned soldiers and officers, on both sides, not free booters and 'bush-whackers,' but duly accredited commands. Shortly after the Confederates engaged the federals, the latter were routed and General McCook attempted his escape in a carriage. In the hand-to-hand engagement which ensued during the running fight the occupant of the carriage, though unknown at the time, was wounded by a shot fired by Captain Gurley as he passed the conveyance in pursuit of the fleeing enemy. The report was spread through the federal ranks that Captain Gurley had slipped upon the ambulance train bearing the wounded from the engagement and had fired upon and killed General McCook, while he lay helpless upon a stretcher in one of the wagons. Continuing, Fleming says: "The federals spread the report among the soldiers that he had been murdered, and as the federal commander reported, 'many of the soldiers spread themselves over the country and burned all the property of the rebels in the vicinty, and shot a rebel lieutenant who was on furlough.' Even the house of the family who had ministered to General McCook in his last moments was burned to the ground. The old men and boys for miles around were arrested. The officer who was shot was at home on a furlough and sick. General Dodge's command committed many depredations in retaliation for the death of McCook. A year later Captain Gurley was captured and sentenced to be hanged. The Confederate authorities threatened retaliation, and he was then treated as a prisoner of war. After the close of the war he was again arrested and kept in jail and in irons for many months at Nashville and Huntsville. At last he was liberated."[20]

[20] Civil War and Reconstruction in Alabama, page 65-66.

No men, except the aged and infirm were left in the country. The population was composed chiefly of women and children. The people suffered fearfully, and many of them had to leave the country in order to live.

As the Germans are accused of doing in the present European war, the federals made it a rule to hold a community responsible for all attacks upon Union troops by the Confederate soldiers. As for instance,—and by no means an uncommon one —in 1864 General M. L. Smith ordered the arrest of "five of the best rebels," in the vicinity of a Confederate attack on one of the companies, even going so far as to arrest five more near the place where a Union sympathizer had been assaulted.[21]

FREEDMAN'S BUREAU

The Freedman's Bureau, ostensibly a labor and employment bureau, was established at Huntsville some time during the early part of 1865. At first these bureaus were conducted by the federal military authorities, but after the war their management was entrusted to "loyal Union men," "Carpet-baggers." These institutions, if properly conducted, might have been of inestimable worth to the nation as a whole, serving in a large measure to readjust the shattered economic conditions at the South. But such was not their purpose, and as a consequence their presence threatened the very existence of civilization at the South, and for a time substituted Ethiopian for Caucasian supremacy. These, and many other such influences, created a pressing necessity for some sort of social regulator. And out of these conditions logically resulted the "Invisible Empire" whose mandates were executed by the Ku-Klux-Klan.

The veteran who wore the gray, after Lee's surrender, returned to his former home, neither ashamed nor afraid for the course so lately and vigorously pursued. He accepted the fortunes of war with heroic resignation and yielded his weapons of destruction without protest or shame, and returned to the pursuits of civil life with that same determination and indomitable will and energy which had made of him such a formidable foe. He was in no wise daunted or abashed to find, upon his return, all his former slaves supported and protected in dangerous idleness, and incited to insulting behavior by the bureau; his plantation grievously suffering from protracted neglect, but worst of all, his house burned and no hand to

[21] Civil War and Reconstruction in Alabama, page 66.

assist in the erection of another. Stripped of every vestige of property and personal effects.

The former slaves, dazed and bewildered as they were by sudden emancipation from work and the necessity therefor as a means of support, to a freedman; a process of evolution wholly beyond their comprehension; deserted the plantation and flocked to the bureau or refugee camps; where they received, without charge, from the government, food, clothing, shelter and medical attention—from which the mortality was great. Thus supported in idleness and encouraged to laziness, the negro became a prey to all sorts of vagaries. They were lead to believe that when the war was over each would receive, at the hands of the federal government "forty acres and a mule," the property of the former master. Even to this day, there may, in rare instances, be found an old ex-slave who is still holding to the idle dream that this dispensation is yet to come.

There was usually great dispute between the slaves as to who was to get the forty acres upon which was situated the "big house"—the plantation home of the master.

So firmly had these fancies and the inclination to continue idle fastened themselves upon the subject, that even the bureau and military authorities became alarmed. To forestall the further spread of such demoralizing tendencies, the federal authorities, in 1865, issued an order requiring all negroes at Huntsville to go to work, or to be forced to do so by the troops.

In justice to the ex-slave, be it said, this dilemma was probably not wholly his own blame; for the bureau controlled every phase of life and activity in the community, and complete charge was taken of the negroes. Servitors by nature and training, they naturally looked to the "master" for direction. The activities of the bureau, instead of being an aid to useful employment of the ex-slave's time, were its worst hindrance, as we shall see.

Primarily, the conditions of labor under the old relation of "master and slave" did not exist. A new order of things was to be faced. Its solution was by no means an easy problem; for during the four years of war practically all commercial and agricultural activities had been suspended at the South. The men were off on the field of battle. The financial resources of the community were exhausted. Federal currency was unknown, or nearly so. Confederate currency was little more than a mythical term to most of the inhabitants, and it was not

legal tender in those sections controlled by Union forces, as was Huntsville.

Labor could only be employed under the supervision of the bureau. Wage scales were established and enforced by the federal authorities. Such a scale was put in force at Huntsville in 1864 by the "Freedman's Home Colony":

"No. 1 Hands, male 18-40 years of age, minimum wage per month $25.00. No. 2 Hands, male 14-18 years of age, minimum wage per month $20.00. No 3 Hands, male 12-14 years of age, minimum wage per month $15.00. Corresponding classes of women $18.00, $14.00 and $10.00 per month, respectively."[22]

In addition to these minimum wages to be paid by the planter, he was required to take care of the young children of the family hired by him; to furnish without charge a separate house for each family, with an acre of ground for a garden, and without charge, medical attention for the entire family, and schooling for the children; to sell food and clothing to the employee at cost, and lastly, to pay for full time unless the laborer was sick or refused to work.[23]

In view of the depleted economic and financial condition of the South, to hold that the ex-slave could only be employed on such terms and at such exorbitant wages to be paid in United States currency, was grossly unfair to both employer and employee. Such restrictions rendered employment practically prohibitive. So we are not surprised to learn that in 1864 only two hundred and five of all the ex-slave population of the county had obtained employment.

These labor contracts had to be in writing and receive the sanction of the bureau or military authorities, and witnessed by a "friend of the freedman." Either party breaking the contract was subject to trial by the provost-marshal or a military commission. The property of the employer was liable to seizure for wages.

So long as these institutions were administered by the military authorities no charge was made the freedman for preparing the labor contracts, and the negro thought the bureau his best friend. Later, at the close of the war, the bureaus were turned over to the civil authorities and "carpet-baggers" were

[22] Civil War and Reconstruction in Alabama, page 416. The Freedman's Home Colony" was supplanted in 1865 by the "Freedman's Bureau." The purpose and the work of the two were identical.

[23] Civil War and Reconstruction in Alabama, page 423.

put in charge. Then a fee of $2.00 was charged the negro for each contract. This produced among them a revulsion of feeling. They became suspicious and distrustful of the bureau.

So strong and vindictive did this hate of the "carpet-bag" agents of the bureau become among the negroes in Madison county, that on March 12, 1866, some negroes of Huntsville and vicinity, tarred and feathered one of the bureau agents who had been charging them $1.50 for each contract.[24] The bureau authorities even went so far as to try title to and settle disputes over property, between slaves and their former masters. Many instances might be cited, but for present purposes, one such happening at Huntsville will suffice:

General Thomas ordered a military commission to arrogate to itself authority to settle a dispute over the home of a widowed white lady, as between her and her former slave, with the result that she was turned out, and the negro given possession of the property.[25]

On the slightest pretext the bureau authorities intervened. Many are the instances of persecution and injustice heaped upon the Southern whites by these alien and rapacious agents. Their prejudices were strongly against the whites and in favor of the blacks. There was, however, no purpose of bettering the condition of the negro, but solely to punish the whites. As they conceived it, retribution and revenge could be more smartly inflicted by forcing the former master to receive his ex-slave as a social equal and a political superior, than by any other means.

It was of common occurrence that prominent citizens, members of the proudest and most unyielding of all races, were arrested, placed in chains, in some instances, and dragged before the bureau agent, and there in the presence of their former slaves, humiliated, insulted and abused, all, all for the amusement of the agents, and the damning effect it would have over the negroes. Even they were protected and incited to heap opprobrium on their former friends, their old masters. Nor were their outrages alone confined to this form of torture of the whites and protection of the blacks. The latter were shielded from all harm and permitted and incited to villanies and crimes with the approval of the authorities, provided, of course, these acts of wantonness were against Southern whites. Even the law itself was not permitted to take its course with

[24] Civil War and Reconstruction in Alabama, page 435.
[25] Civil War and Reconstruction in Alabama, page 416.

negro criminals, as for instance: "In 1866, two constables arrested a negro charged with house burning in Tuscumbia, Alabama. Col. D. C. Rugg, the bureau agent at Huntsville, raised a force of forty negroes and went to the rescue of the negro criminal." Coming up with the officers as they were about to board the train with the criminal, he said, "If you attempt to put that negro on the train, blood will be shed. I am acting under the orders of the Military Department. These men—the negroes—are not going to let you take that prisoner away, and blood will be shed if you attempt it."[26] All this, in order that the culprit might be taken before the bureau agent and acquitted after a mock trial.

In conjunction with the Freedman's Bureau, schools for freedmen were operated. Shortly before the close of the war three of these schools were established at the refugee camps in the county. Two of them were in Huntsville; one being on Ex-Governor Chapman's plantation, which was confiscated to the use of negro troops early in 1862, as above mentioned. After the war, schools for the freedmen became very numerous. Another was opened at Huntsville by the "Pittsburgh Freedmen's Aid Commission." All these schools were taught by Northern whites.[27] From this time forward, all sorts and kinds of missionary, educational and benevolent societies and commissions, financed at the North, and projected and authorized by Congress, began to operate throughout the South. The meagre success and good accomplished by these institutions, but demonstrated the fallacy of wisdom, theoretically applied, at long range, and sense at short taw.

There was the wildest desire among the blacks, both old and young, to learn to read and write. The older ones wanted to learn to read the Bible. Little or no progress along purely educational lines was made by the pupil; which fact justly discouraged and dampened the ardor of the more conscientious of their white teachers. The number of negroes learning to read in these schools was practically negligible.

In these schools, as a rule, reading and writing were not the essentials taught; but on the contrary, distrust and bitter hatred of the former master was hammered into the ignorant, gullible subject. The ex-slave was made to believe that it was a special charge upon his dignity, as a freedman to upbraid, shun,

26 Civil War and Reconstruction in Alabama, page 441.
27 Civil War and Reconstruction in Alabama, pages 458-460.

insult and degrade Southern whites at all times and to lose no opportunity of making himself offensive to his former master in particular. The excuse given the negro for these incendiary teachings was that the former master wanted to re-enslave them and was their worst enemy. Assurances were repeatedly offered, that the bureau authorities were back of them and would protect them in any sort of villainy.

The former master returned to his home after the war, with love and compassion in his heart for the faithful old negro, who had protected and cared for his wife and family during his absence on the field of battle. Harm him! Such was not remotely in the thoughts of the Southern white. The dream of the former master to reward, protect and support these faithful negroes, was blasted and could have no enlarged application, so imbued had they become with the false doctrine received in the schools. Much of the strife between the whites and the blacks, after the war, was fomented in these so-called schools; and schools they were, not of education, however, but of vice, hate and crime.

In November, 1866, Brevet-Colonel J. B. Collis, of the Volunteer Reserve Corps, was put in command of the bureau at Huntsville.[28] Under his leadership the bureau branched out into politics, local and State, and was organized into some sort of a political "league." The membership consisted chiefly of negroes. Its purpose was to foist into position and power the "carpet-baggers," "deserters," and "scalawags," and scum of the earth generally, with which Huntsville was infested. The leagues held secret meetings, and pledged themselves and their membership to mutual protection.[29] The negroes were especially suspicious and distrustful of Southern whites who had become "deserters and scalawags." Their respect for these moral perverts was no greater than that held for them by the men who wore the gray. One notable instance of this distrust is to be found, when the league at Huntsville refused admittance to one of its meetings in the court house, to a notorious "scalawag" of this community, who had formerly been a respected member of society. Little wonder that even the negroes were unwilling to align themselves with him, when we remember that he had represented Madison county in the Secession Convention of 1861, and was chosen to succeed Dr. Thomas

[28] Civil War and Reconstruction in Alabama, page 426.
[29] Civil War and Reconstruction in Alabama, page 557.

Fearn in the Confederate Provisional Congress, and had commanded a battalion in the war for a short while; only for a short while, however, as his loyalty to his State and his people was of equally short duration. He went over to the enemy and after the war, embraced with alacrity the "carpet-bag" government and its principles and returned among his people to aid in the oppressions of reconstruction, and garner his share of its rich harvest.[30]

FREEDMAN'S BANKS

Allied with the Freedman's Bureau were savings banks, authorized by act of Congress and styled "The Freedman's Savings & Trust Company." This act received Mr. Lincoln's approval on March 5, 1865. The main office of the bank was at Washington. During the early part of the Reconstruction period three branches were established in Alabama, at, Huntsville, Mobile and Montgomery. Throughout the South many of the bureau agents were placed in charge of the branches. The fact that Lincoln had approved the plan and that it had the sanction of the federal government, made the banks at once popular among the negroes.

A pass book was issued each negro depositor upon which was printed the rules and regulations governing. Also they were decorated with catchy, high sounding phrases, as: "Step by step we walk miles and we sew stitch by stitch. Word by word we read books, and cent by cent we grow rich."

Six per cent interest was paid time depositors. This benefit was featured by printed matter on the pass book, illustrating how a saving of ten cents a day would amount to $489.31 at the end of ten years.

Only those negroes in and around Huntsville became depositors. Those in more remote sections of the county lived in ignorance of the existence of the bank. The Huntsville and Mobile branches were the largest and most prominent in the State. The amount of business done by the local branch,—as shown by the following table,—during the first three years of its existence, is surprising.

The interest paid on long time deposits in 1868—the first year—was $38.02. In May, 1869, the total deposits amounted to $17,603.29. The statement of the condition of the bank on March 31, 1870, reveals:

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30 Civil War and Reconstruction in Alabama.

Total deposits to March 31, 1870	$89,445.10
Total number of depositors	500
Average amount deposited by each	17.89
Drawn out to March 31, 1870	70,586.60
Balance to March 31, 1870	18,858.50
Average balance due to each depositor	47.114
Spent for land—known	1,900.00
Dwelling houses	800.00
Seeds, teams, and agricultural implements	5,000.00
Education, books, etc.	1,200.00

The affairs of the local branch during the month of August, 1872, were in splendid shape, and indicate rapid growth:

Deposits for the month	$ 7,343.50
Drafts for the month	10,127.61
Total deposits	416,617.72
Total drafts	364,382.51
Total due depositors	52,235.21

Though the system continued to prosper, and its business increased, in 1874 it failed, through the fraud of its managers and employees; entailing upon the negroes of the South a total loss of $3,299,201.00, and upon those at Huntsville a loss of $35,963.00. Lafayette Robinson, a negro, was cashier of the local branch when the system failed.

Through the collapse of this monumental fraud, the work of the federal government in gaining the trust and confidence of the negro race was largely undone. He believed the Freedman's Bureau had cheated him; and he became suspicious of all offers or efforts to aid him coming from the North, thereafter.[31]

RECONSTRUCTION

To no Southern reader of this chapter does the term here used, as the caption of this sub-division, convey the idea, that, beneficent processes of the orderly rebuilding of its material resources and the re-assembling and adjustment of its social and governmental functions, were now in operation in the South. To him the term is the perfect personification of all that is infamous, re-destruction rather than re-construction proper.

[31] Civil War and Reconstruction in Alabama, page 451-456.

After the close of the war, and military discipline was relaxed, conditions became unspeakably depraved. Huntsville and her citizens suffered "depredation, robbery, murder, arson and rapine" at the hands of marauding hordes of "tories," "scalawags" and federal and Confederate "deserters." The county was overrun with this scum of humanity, the flotsom and jetsam of ignominy itself. For a great while the local traffic in whiskey was enormous. The streets were crowded with the drunken and debauched, and lawlessness stalked abroad unbridled. These conditions were accentuated by the presence, in large numbers, of ladies of easy virtue; who by their indecent demeanor in all places, and especially public thoroughfares, lent an air of degredation to the entire community.

There can be little doubt that lawlessness had reached dangerous proportions, when we learn that the Provisional Governor Parsons, a "loyal" Union man, deemed it necessary to invest the mayor of Huntsville with special and extraordinary powers to suppress violence. These deplorable conditions were not confined to the town alone but existed throughout the county.

Former citizens of the county, who had become "tories" during the war and through fear had left the country, now returned to vent their hate and avenge their own self-imposed dishonor, upon the defenseless, who had lain down the weapons of war and taken up those of peace. Their lust for blood and insatiable desire for revenge knew no bounds and recognized no ties. Confederate veterans now pursuing the arts of peace, were deliberately shot and killed while seated with the remnants of their families around their firesides, and while at work in the fields.[32]

These general conditions and special influences co-operated to make the seven years of reconstruction infinitely and inestimably more harsh, cruel and inhuman than the four years of bloody war itself. In addition thereto there was another specific factor more potent than all these and wider in scope which threatened the very existence of civilization at the South; the Reconstruction Acts, passed by Congress, aided by Constitutional Amednment.

The administration of these acts was largely entrusted to the illiterate and unknowing "carpet-bagger," who was aided in his persecutions by that most unprincipled of all men, the

[32] Civil War and Reconstruction in Alabama, pages 262-266.

"scalawag," a coward by nature and a thug and grafter by preferment. These latter poisoned the already hostile mind of the "carpet-bagger." The author is wanting in ability to define either the genus "carpet-bagger," or "scalawag." This task has been undertaken by many worthy scribes but with less success than attended the efforts of Ryland Randolph, editor of the (Tuscaloosa) Independent Monitor; who, upon the appearance at Tuscaloosa of the "carpet-bagger," Lakin, (accompanied by the "scalawag," Cloud), to take his seat as president of the University; published in his paper of September 1, 1868, a warning from the Ku-Klux to both these men; which consisted of a wood cut depicting two men hanging from the limb of a tree; one holding in his hand a carpet-bag with "Ohio" on it—the native state of Lakin—the other without even this meagre possession, representing the "scalawag," Cloud, and entitled, "A Prospective Scene in the City of Oaks, 4th of March, 1869." This cut was followed by this inscription:

"Hang curs, hang! * * * Their complexion is perfect gallows. Stand fast good fate, to their hanging. * * If they be not born to be hanged, our case is miserable.

"The above cut represents the fate in store for those great pests of Southern Society—the 'carpet-bagger and scalawag'—if found in Dixie's land after the break of day on the 4th of March, next.

"The genus 'carpet-bagger' is a man with a lank head of dry hair, a lank stomach, and long legs, club knees, and splay feet, dried legs and lank jaws, with eyes like a fish and mouth like a shark. Add to this a habit of sneaking and dodging about in unknown places, habiting with negroes in dark dens and back streets, a look like a hound and the smell of a polecat.

"Words are wanting to do full justice to the genus, 'scalawag.' He is a cur with a contracted head, downward look, slinking and uneasy gait; sleeps in the woods like old Crossland, at the bare idea of a Ku-Klux raid. 'Our 'scalawag' is the local leper of the community. Unlike the 'carpet-bagger,' he is native, which is so much the worse. Once he was respected in his circles; his head was level; he would look his neighbor in the face. Now, possessed of the itch of office and the salt rheum of radicalism, he is a mangy dog, slinking through the alleys, hunting the governor's office, defiling with tobacco juice the steps of the capitol, stretching his lazy carcass in the sun, on the square or on the bench of the mayor's court. He waiteth for the troubling of the political waters, to the end that he

may step in and be healed of the itch by the ointment of office. For office he 'bums,' as a toper 'bums' for the satisfying dram. For office yet in prospective, he hath bartered respectability; hath abandoned business and ceased to labor with his hands, but employs his feet kicking out boot heels against lamp-post and corner curb, while discussing the question of office."[33]

If either of the types here depicted is even remotely true to life there can be little wonder that neither was in good standing at the South, nor at the North for that matter, for there were many level heads and honest minds and hearts there who did not believe in the re-destruction policies of "re-construction."

KU-KLUX-KLAN AND CAUSE THEREFOR

We have already learned that the bureau at Huntsville had projected "Union or Loyal Leagues," among the negroes for political purposes. As these leagues became stronger, after the ballot was given the negro, many negroes were elected to office through its influence. The higher and more important offices were preempted by the "carpet-baggers" and held at the hands of the "Black Man's Party." Of the two it was little less offensive, and less dangerous to society that a negro should be in authority.

These leagues having become strong in membership and powerful in politics, under the protection of the Union troops garrisoned here, became very disorderly and obnoxious. The conduct of the members was offensive to the last degree.

Upon emancipation from slavery every negro man acquired a dog and a gun. The dog, as evidence of the owning of property, and the gun, of freedom. As slaves, they were usually not permitted to have dogs about the quarters. Nor were they allowed to have firearms, owing to the danger of violence among themselves, and for the further good and sufficient reason that as slaves they had no use for them.

It is interesting to surmise whether or not the desire on the part of the negro of today to own a dog and a gun, is the progeny of this primal instinct.

The league meetings were held at night. Going to and from the meetings the negroes would march through the streets, armed, in military formation, and execute drills about the court house. The meeting over, they would loiter about the streets, acting boisterously; using abusive and obscene language, dis-

[33] Civil War and Reconstruction in Alabama, page 612.

charging firearms and making threats of violence against the whites; taking particular care to make themselves most offensive to those they especially disliked. In short, the "carpet-baggers" contrived every conceivable means of intimidating the Southern whites into submission to negro domination and social equality. But little did he, in his narrow and poisoned brain, comprehend the spirit of the man he sought to subjugate and crush.

More or less encouragement was given these disreputable bodies and their policies, by the waning opposition of a certain element of the whites; who were beginning to organize themselves into "loyal" bands, proclaiming the North; renouncing and denouncing the Confederacy and all it had stood and fought for.

Nicholas Davis presided at one of these "unconditional union mass meetings," held at Moulton, in Lawrence county. This meeting was very thinly attended and represented no considerable portion of the sentiment of North Alabama, though eleven counties sent delegates. A little later such a meeting was held at Huntsville, with no better attendance.

Prior to the election of 1868, the Ku-Klux, were not active, locally. Though from time to time individual corrections were administered by small bands of Ku-Klux.

With the result of the election of 1868, came a realization of the enormity of the danger to the white man and his social institutions, and the extent of his dilemma. After this election Huntsville and surrounding country had well organized Klans of Ku-Klux.

The Ghouls, or privates of the Klans in Madison county, when in active service, in addition to the regulation disguise and mask, wore red flannel trousers with white stripes down the sides, and around the waist a brace of revolvers.

Prior to the election of 1868, few deeds of violence were committed by the Klan; for, up to that time, the superstitious blacks and the timid and credulous "carpet-baggers" were easily subdued and held in check by mere threats of violence or warnings from the Klan. But, later when the detestable and more knowing "scalawag" began to get in his work, the warnings from the Klan were less effective. The "carpet-bagger" was encouraged to stand his ground, and the negro was relieved of his superstition, in a large measure, by the slowly percolating realization that the Klan was not composed of spirits, "hants," but flesh and blood.

The negroes at first believed that the Ku-Klux were the outraged "spirits" of their departed masters, returning to "hant" them for their erring ways. They believed that "Hell froze over" to allow these spirits to pass on their way back to earth. This superstitious belief was the chief asset of the Ku-Klux as is shown by the following posted warning from the Klan:

Ku-Klux.

Hell-a-Bulloo Hole—Den of Skulls.

Bloody Bones, Headquarters of the Great Ku-Klux Klan, No. 1000.

Windy Month—New Moon.

Cloudy Night—Thirteenth Hour.

General Orders No. 2.

The great chief Simulacre summons you!

Be ready! Crawl slowly! Strike hard!

Fire around the pot!

Sweltered venom, sleeping got

Boil thou first i' the charmed pot!

Like a hell broth boil and bubble!

The Great High Priest Cyclop! C. J. F. Y.

Grim Death calls for one, two, three!

Varnish, Tar, Turpentine!

The fifth Ghost sounds his Trumpet!

The mighty Genii wants two black wethers!

Make them, make them, make them! Presto!

The Great Giantess must have a white barrow.

Make him, make him, make him! Presto!

Meet at once—the den of Snakes—the Giant's!

Jungles—the hole of Hell! The second hobgoblin!

Will be there, a mighty Ghost of valor. His eyes of fire, his voice of thunder! Clean the streets—

Clean the serpents' dens.

Red hot pinchers! Bastinado!! Cut Clean!!!

No more to be born. Fire and Brimstone.

Leave us, leave us, leave us! one, two, and three tonight! Others soon.

Hell freezes! On with skates—glide on. Twenty from Atlanta. Call the roll.

Bene dicte! The Great Ogre orders it!

By order of the Great Blufustin.

G. S. K. K. K.[84]

[84] Civil War and Reconstruction in Alabama, page 680.

The childlike credulity of the black man was not only taken advantage of by the Southern whites, but by the Northern whites, as well. His ostensible new friend capitalized his friendship to the detriment and financial loss of the negro. The fraudulent schemes devised by sharpers from the North to separate the negro from his money, were novel, numerous and varied. The most pretentious and lucrative of all these frauds was the sale of four painted sticks. The negro was told by the faker from the North—(in whom, hailing from these parts, till the Freedman's Bank failed in 1874, he had the utmost faith and trust and believed implicitly), that the land upon which these sticks were set up, wheresoever it might be, became his, ipso facto. A document purporting to be a deed accompanied each set of sticks, which read in part as follows:

"Know all men by these presents: That a naught is a naught; and a figure is a figure; all for the white man and none for the nigure. And, whereas, Moses lifted up the serpent in the wilderness, so also have I lifted this d——d old nigger out of four dollars and six bits. Amen. Selah."[35]

After the spring of 1868, the newspapers frequently carried Klan warnings and threats. Printed warnings were posted in prominent places. These public documents dealt with conditions and obnoxious persons, generally. Individuals, who by their conduct and associations had become undesirable and were deemed a menace to the peace and welfare of the community, received notices and warnings in person, and some times by posting on their premises in conspicuous places. These offenders were given a limited and fixed time to depart. Failing to take heed, they were captured and severely thrashed and ordered, and in some instances, made to leave. Be it said, however, it was not often necessary to administer a thrashing; for as a general thing the first notice received by an individual, signed "Ku-Klux-Klan" was obeyed without undue loss of time and without argument. These warnings were frequently ludicrously misspelled and always written in a disguised hand.

The Klan at Huntsville, deeming I. D. Sibley an undesirable citizen, sent the following warning, written mostly in "plain English," to him, which explains itself:

"Mr. Sibley, you had better leave here. You are a thief and you know it. If you do not leave in ten days we will cut your throat. We ain't after the negroes; but we intend for you

[35] Civil War and Reconstruction in Alabama, page 447.

damn carpet-bagger men to go back to your homes. You are stealing everything you can find. We mean what we say. Mind your eye."

James Howsy.
William Whereatnehr.

(Here was rudely drawn a coffin.)

John Mixemuhh.
Soliman Wilson.
P. J. Solon.

Get away!

We ain't no Cu-Cluxes, but if you don't go we will make you."[36]

This notice to a "carpet-bagger" illustrates the view-point of the South with clearness; namely, the negro himself was not primarily to blame for his misbehavior, but the "carpet-bagger" and "scalawag" were. It was the latter that the South held responsible for the continued disordered state of affairs; and to the adjustment of these conditions, set about ridding society of these pests. Under the administration of State and local affairs by the "carpet-baggers," they and the negroes became more and more aggressive. A good portion of the best land in the county was in possession of negroes, who asserted false claims to it. The activities of the Ku-Klux became more strenuous and purposeful as the oppression of the "carpet-bag" regime grew. During this time, additional troops were sent to Huntsville to suppress the Ku-Klux, but to no avail. Later, martial law was declared over Madison county. Even this did not seriously impede the work of the Klan as a social regulator. It had inaugurated an "Invisible Empire," which had grown in strength until its decrees were far more potent and its power more dreaded than that of the visible commonwealth which it either dominated or terrorized. It is said, too, no doubt with truth, that many of the federal soldiers, stationed here, looked leniently upon the activities of the Klan, so evidently inaugurated in sheer self-defense and decency, by an oppressed and downtrodden people.

During the reconstruction period there were elected, from Huntsville, three State senators, "carpet-baggers," Spencer, Hinds and Sibley. The self-interest which governed the activities of these unworthy solons, and the manner in which they

[36] Civil War and Reconstruction in Alabama, page 678. This warning is not in the ordinary Ku-Klux form, though the meaning is clear.

were willing to wreck the county to further their political ends, is revealed very clearly and unmistakably by their opposition as senators to any legislation which might emasculate the Ku-Klux-Klan of power. Though the Ku-Klux had them marked, and they dreaded the power of the Klan, they desired the existence rather than the extinction of the Klan. For the reasons, as stated by them, in moments of rare candor, that the continued strife between the whites and blacks enabled them to make effective speeches against the former and thereby obtain the negro vote.

The most famous parade and "riot" of the Ku-Klux-Klan occurred at Huntsville just before the presidential election of 1868. A body of Ku-Klux 1,500 strong rode into the city and paraded the streets. Both men and horses were disguised with masks and sheets. All of their evolutions were executed with the greatest precision, skill and silence. The negroes were in a frenzy of fear. One of them fired a shot; immediately a riot was on. The negroes fired at themselves and the unmasked whites indiscriminately. The unmasked whites returned the fire. The Ku-Klux fired not a shot, but formed a line and looked on silently. Several negroes were wounded. Judge Thurlow, a "scalawag" of Limestone county, was accidently shot and killed by a stray bullet from a negro's pistol. The whites who participated received only slight wounds. The military authorities arrested some of the Ghouls, who were released later. This was known throughout the North as one of the greatest "outrages" committed by the Ku-Klux.

This is only one of many similar "negro riots" enacted in the South, and accredited to the Ku-Klux-Klan, as "outrages."

By the year 1870, the mission of the Klan had been accomplished in a large measure. So nearly re-adjusted and normal had conditions become, that the need of its protection practically had ceased.

In 1871 Congress appointed a sub-committed, composed of a joint committee from both houses, to investigate the Ku-Klux-Klan and its activities in Alabama. A meeting of the committee was held at Huntsville, October 6th to 16th, 1871. Senators Pratt and Price, and Representatives Beck, Buckley and Blair, formed the committee. For practical and political purposes the committee was composed of three Republicans and one Democrat, as Blair and Beck were seldom ever present at the same time. Many of Huntsville's most prominent citizens were called before this inquisitorial body for examina-

tion. Among those summoned were Ex-Governor Reuben Chapman, P. M. Dox, and William Richardson. After the committee had completed its labors and reported to Congress, the following "official" table of crimes alleged to have been committeed by the Ku-Klux Klan, was published:

"Killed	6
Outrages	19
Shootings	5
Whippings	19
Total	[37]49"

According to this report, Madison's Ku-Klux committed ten more crimes than those of any other county. However, a further comparison reveals that the excess lies in the whippings and not in the killings.

So far as is known no one in Madison county was ever punished for participation in the activities of the Ku-Klux-Klan.

This brings us to a close of our consideration of the Ku-Klu-Klan, locally, without having explained its enlarged objects and purposes, and the spirit of the moving cause for its being.

Judge Albion W. Tourgee, a "carpet-bagger," in his book, "A Fool's Errand," renders us his views on the Ku-Klux-Klan, which are intensely interesting and enlightening. Speaking to the subject, he says:

"Yet it was a magnificent sentiment that underlay it all, an unfaltering determination, an invincible defiance to all that had the seeming of compulsion or tyranny. One can but regard with pride and sympathy the indomitable men who, being conquered in war, yet resisted every effort of the conquerer to change their laws, their customs, or even the personnel of their ruling class, and this, too, not only with unyielding stubbornness, but with success. One can but admire the arrogant boldness with which they charged the nation which had overpowered them, even in the teeth of her legislators, with perfidy, malice, and a spirit of unworthy and contemptible revenge. How they laughed to scorn the Reconstruction Acts of which the wise men boasted! How boldly they declared the conflict to be irrepressible and that white and black could not and should not live together as co-ordinate ruling elements!

[37] Civil War and Reconstruction in Alabama, page 705.

"And then the organization itself, so complete and yet so portable and elastic! So perfect in disguise that, of the thousands of victims, scarce a score could identify one of their persecutors! In it we may recognize the elements that go to make up a grand and kingly people. They felt themselves insulted and oppressed. No matter whether they were or not, be the fact one way or another, it does not affect their conduct. If the Reconstruction which the wise men ordained was unjust; if the North was the aggressor and wrongful assailant of the South in war; if to degrade and humiliate her enemy the terms of the surrender were falsified and new and irritating conditions imposed; if the outcasts of Northern life were sent or went thither to encourage or induce the former slave to act against his former master—if all this were true, it would be no more an excuse or justification for the course pursued than would the honest belief that these facts were true by the masses who formed the rank and file of this grotesquely uniformed body of partisan cavalry. In any case, it must be counted as the desperate effort of a proud, brave, and determined people to secure and hold what they deemed to be their rights."

Judge Tourgee had that breadth of view which permits him to appreciate and respect the objects of the Ku-Klux Klan, though failing to comprehend the necessities for its existence. Even he might have come to know of these and have applauded its work, had he retained his residence at the South sufficiently long.

The war over, the Confederate soldier returned home to find his labor system, the primary leverage of rehabilitation, not demoralized but utterly destroyed. Impoverished to the last degree, broken in health, with head bowed in unutterable dejection, he looked out upon the vast sea of his desolation. For a moment he stood dazed; reeled, recovered himself, girded up his loins, put on the armor of peace, and double-quicked into action, with that indomitable determination that had made of him such a formidable foe.

A splendid new empire was builded with marvelous rapidity out of the hot ashes of the old, as a harmonious part of the common whole our reunited and beloved nation. Happy and at peace with itself and the world, this new South has become strong and trusted in the councils of the nation. The halls of Congress again resound with the fervid eloquence and forceful logic of her statesmen. Along the Potomac and the Tennessee

peace and quiet, happiness and hope reign now, and shall reign forever.

Nothing contained in this volume must be taken as indicating the author's approval of slavery. Far from it. He has spoken of things as he found them, where he found them and when he found them. The South was not the original importer of the slave, but became a slave section naturally and logically. It was not to be expected that a factor which had become so deeply embedded in its economic life could be eliminated in the twinkling of an eye.

Before the war began, the index finger of fate—the "signs of the times"—pointed inexorably toward a final and just solution of this difficult problem. However, if the slave gave much, he received in return liberally of the best. No savage race the world has ever known, had conferred upon it so speedily, the blessings of civilization and christianity, as that portion of this African people which thus came into immediate and continuous contact with the splendid civilization of the Old South.

"The North thinks Reconstruction was the salvation of the South and is the cause of its present progressiveness, but, in destroying all that was old, Reconstruction probably removed some abuses; from the new order of things some permanent good must have resulted. But the credit for neither can rightfully be claimed until it can be shown that those results were impossible under the regime destroyed."

References:—Fleming's *Civil War and Reconstruction in Alabama;* kindness of many older citizens; files of the *Confederate Veteran.*"

END.

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